CICERO

IN TWENTY-EIGHT VOLUMES

IV

DE ORATORE

BOOK III

DE FATO
PARADOXA STOICORUM
DE PARTITIONE ORATORIA

WITH AN ENGLISH TRANSLATION BY

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DE ORATORE

BOOK III

M. TULLII CICERONIS
DE ORATORE
DIALOGUS SEU LIBER TERTIUS

1 I. Instituenti mihi, Quinte frater, eum sermonem referre et mandare huic tertio libro, quem post Antonii disputationem Crassus habuisset, acerba sane recordatio veterem animi curam molestiamque renovavit. Nam illud immortalitate dignum ingenium, illa humanitas, illa virtus L. Crassi morte exstincta subita est vix diebus decem post eum diem qui hoc
2 et superiore libro continetur. Ut enim Romam rediit extremo scenicorum ludorum die, vehementer commotus ea oratione quae ferebatur habita esse in contione a Philippo, quem dixisse constabat videndum sibi aliud esse consilium, illo senatu se rempublicam gerere non posse, mane idibus Septembribus et ille et senatus frequens vocatu Drusi in curiam venit. Ibi cum Drusus multa de Philippo questus esset, rettulit ad senatum de illo ipso quod consul in eum ordinem
3 tam graviter in contione esset invectus. Hic, ut saepe inter homines sapientissimos constare vidi

MARCUS TULLIUS CICERO
THE MAKING OF AN ORATOR
BOOK THE THIRD

Introduction: death of Crassus soon after this discussion.

1 I. When I set about recalling and embodying in this Third Volume the discourse of Crassus that followed the remarks made by Antonius, I confess, brother Quintus, that the recollection was painful to me, renewing as it did an old sorrow and distress. For it was little more than a week after the day described in this and the preceding volume when that genius so deserving of immortality, the humane and virtuous Lucius Crassus, was snatched away by sudden death.
2 Crassus had gone back to Rome on the concluding day of the dramatic festival, feeling deeply stirred by the speech reported to have been delivered at a meeting by Philip, who, it was said, had declared it to be incumbent on him to devise some other plan of action, as it was impossible for him to carry on the government with the present Senate; and on the morning of September 13, at the summons of Drusus he and a crowd of members came to the senate-house, where Drusus, after a long series of complaints against Philip, moved for a vote of the Senate on the definite issue that a consul had in public assembly delivered an extremely violent attack upon their
3 order. Hereupon, as I have frequently known men of great accomplishments to agree, although whenever

quanquam hoc Crasso, cum aliquid accuratius dixisset, semper fere contigisset, ut nunquam dixisse melius putaretur, tamen omnium consensu sic esse tum iudicatum, ceteros a Crasso semper omnes, illo autem die etiam ipsum a sese superatum. Deploravit enim casum atque orbitatem senatus, cuius ordinis a consule, qui quasi parens bonus aut tutor fidelis esse deberet, tanquam ab aliquo nefario praedone diriperetur patrimonium dignitatis: neque vero esse mirandum si, cum suis consiliis rempublicam profligasset, consilium senatus a republica repu-
4 diaret. Hic cum homini et vehementi et diserto et in primis forti ad resistendum Philippo quasi quasdam verborum faces ammovisset, non tulit ille et graviter exarsit pignoribusque ablatis Crassum instituit coercere. Quo quidem ipso in loco multa a Crasso divinitus dicta esse ferebantur, cum sibi illum consulem esse negaret cui senator ipse non esset: An tu, cum omnem auctoritatem universi ordinis pro pignore putaris eamque in conspectu populi Romani concideris, me his pignoribus existimas posse terreri? Non tibi illa sunt caedenda si Crassum vis coercere: haec tibi est excidenda lingua; qua vel evulsa spiritu ipso libidinem tuam libertas mea refutabit.

[a] Property seized as security for payment of a fine, or as a pledge to enforce obedience to an order; in the latter case it might be restored on compliance or destroyed as a punishment for refusal. The present seems to be the only known case of its being used or threatened as a punishment for language used in debate.

Crassus delivered a specially prepared oration he almost invariably succeeded in giving the impression that he had never spoken better, nevertheless it was the unanimous verdict now that one who had always surpassed all the rest of the speakers had on this occasion surpassed even himself. He deplored the disaster and the bereavement that had befallen the senatorial order, whose hereditary dignities a consul whose duty it was to be its fostering parent or faithful guardian was plundering like some unprincipled brigand; but that nevertheless it was no matter for wonder if after his own policy had inflicted a disastrous blow on the state he was endeavouring to oust the wisdom of the Senate from the direction
4 of public affairs. Philip was a headstrong person, a fluent orator and one of the most courageous of adversaries; and when Crassus's eloquence had put a match to the tinder, it was more than he could stand: he flared out violently, and took steps to coerce Crassus by seizing a pledge[a] from him. At this particular juncture, it was reported, Crassus said a great deal that showed extraordinary sagacity. He protested that a consul who would not recognize him as a member of the Senate was to him no consul at all. "What, when you have reckoned all the authority of our whole order as a forfeited pledge and in the sight of the nation have destroyed it, do you imagine that these pledges can have any terrors for me? If your wish is to coerce Lucius Crassus, it is not those pledges that you have to destroy: you must cut out this tongue of mine—although even when this has been torn from my throat, my breath of itself will serve my liberty for the refutation of your licence."

5 II. Permulta tum vehementissima contentione animi, ingenii, virium ab eo dicta esse constabat; sententiamque eam quam senatus frequens secutus est ornatissimis et gravissimis verbis: 'Ut populo Romano satisfieret, nunquam senatus neque consilium reipublicae neque fidem defuisse,' ab eo dictam; et eundem (id quod in auctoritatibus perscriptis[1] exstat) scribendo adfuisse.

6 Illa tanquam cycnea fuit divini hominis vox et oratio, quam quasi exspectantes post eius interitum veniebamus in curiam ut vestigium illud ipsum in quo ille postremum institisset contueremur; namque tum latus ei dicenti condoluisse sudoremque multum consecutum esse audiebamus; ex quo cum cohorruisset, cum febri domum rediit dieque septimo
7 lateris dolore consumptus est. O fallacem hominum spem fragilemque fortunam, et inanes nostras contentiones, quae medio in spatio saepe franguntur et corruunt et ante in ipso cursu obruuntur quam portum conspicere potuerunt! Nam quamdiu Crassi fuit ambitionis labore vita districta, tamdiu privatis magis officiis et ingenii laude floruit quam fructu amplitudinis aut reipublicae dignitate: qui autem ei annus primus ab honorum perfunctione aditum omnium concessu ad summam auctoritatem dabat, is eius omnem spem atque omnia vitae consilia morte

[1] *v.l.* praescriptis.

5 II. This was followed by a great deal more, which was universally admitted to display a superlative energy of spirit, intellect and force; and Crassus moved a resolution expressed in most polished and dignified terms, which was passed by a crowded house: "That the nation should be assured that neither the advice nor the loyalty of the Senate had ever failed to support the state"; and it was said that he personally witnessed the minuting of the resolution, as appears in the list of resolutions recorded.

6 That oration was the swan-song of this inspired genius, the sound of whose voice we almost expected to hear when we used to come into the Senate-house after his death in order to gaze upon the spot on which he had stood for the last time; for while actually speaking on this occasion, we used to be told, he was seized with a violent pain in the side, followed by profuse perspiration; after which he trembled all over, and went back home with a fever,
7 and a week later was carried off by pleurisy. Ah, how treacherous are men's hopes, how insecure their fortunes! How hollow are our endeavours, which often break down and come to grief in the middle of the race, or are shipwrecked in full sail before they have been able to sight the harbour! For throughout all the time that his life was racked by the toils of ambition, Crassus stood higher in point of his private services and his distinguished talents than in regard to the emoluments of high estate or public eminence; but the first year after the completion of his official career, the year which offered him by universal consent access to the highest grade of power, at one stroke overthrew by death all his hopes and all his

8 pervertit. Fuit hoc luctuosum suis, acerbum patriae, grave bonis omnibus; sed ei tamen reipublicae casus secuti sunt ut mihi non erepta L. Crasso a diis immortalibus vita sed donata mors esse videatur. Non vidit flagrantem bello Italiam, non ardentem invidia senatum, non sceleris nefarii principes civitatis reos, non luctum filiae, non exsilium generi, non acerbissimam C. Mari fugam, non illam post reditum eius caedem omnium crudelissimam, non denique in omni genere deformatam eam civitatem in qua ipse florentissima multum omnibus[1] praestitisset.

9 III. Sed quoniam attigi cogitatione vim varietatemque fortunae, non vagabitur oratio mea longius atque eis fere ipsis definietur viris qui hoc sermone quem referre suscepimus continentur. Quis enim non iure beatam L. Crassi mortem illam, quae est a multis saepe defleta, dixerit cum horum ipsorum sit qui tum cum illo postremum fere collocuti sunt eventum recordatus? Tenemus enim memoria Q. Catulum virum omni laude praestantem, cum sibi non incolumem fortunam sed exsilium et fugam depreca-
10 retur, esse coactum ut vita se ipse privaret. Iam M. Antoni, in eis ipsis rostris in quibus ille rempublicam constantissime consul defenderat quaeque censor imperatoriis manubiis ornarat, positum caput illud fuit a quo erant multorum civium capita servata; neque vero longe ab eo C. Iulii caput hospitis Etrusci

[1] *v.l.* omnibus gloria.

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[a] See Introduction, vol. i. p. xiii.
[b] See *ibid.* p. xiv.

8 plans of life. This brought lamentation to his friends, sorrow to his country and regret to all good men; but the national disasters that followed have been such as to make me feel that the powers above did not rob Lucius Crassus[a] of life but vouchsafed to him the gift of death. He did not see Italy ablaze with war, the Senate inflamed with passion, the leading citizens arraigned for a nefarious crime, his daughter's grief, her husband's exile, the utterly lamentable flight of Gaius Marius, the massacre unparalleled in savagery that followed his return, nor in fine the utter corruption in every respect of a country in which at the period of its supreme prosperity he had himself held by far the highest position.

Fate of the other characters.

9 III. But now that I have reached these reflections on the might and mutability of fortune, my discourse shall not roam further, but shall restrict itself for the most part to the actual persons figuring in the dialogue that we have undertaken to record. Many have often deplored the death of Lucius Crassus, but who will not be bound to pronounce it a happy end when he recalls the fate of these very persons who were in conversation with him almost for the last time on this occasion! It remains in our memory that Quintus Catulus,[b] a man of eminent distinction, prayed to be granted not acquittal but exile and
10 flight, and then was forced to take his own life. Next Marcus Antonius, on the very platform on which as consul he had most resolutely championed the cause of the state and which as censor he had decorated with the trophies of his military command, laid down the life that had preserved the lives of many men; and indeed at no great distance from that spot lay the head of Gaius Julius, betrayed by the crime of his

scelere proditum cum L. Iulii fratris capite iacuit, ut ille, qui haec non vidit, et vixisse cum republica pariter et cum illa simul exstinctus esse videatur. Neque enim propinquum suum, maximi animi virum, P. Crassum suapte interfectum manu neque collegae sui pontificis maximi sanguine simulacrum Vestae respersum esse vidit—cui maerori, qua mente ille in patriam fuit, etiam C. Carbonis inimicissimi hominis
11 eodem illo die mors nefaria fuisset; non vidit eorum ipsorum qui tum adolescentes Crasso se dicarant horribiles miserosque casus—ex quibus Cotta, quem ille florentem reliquerat, paucis diebus post mortem Crassi depulsus per invidiam tribunatu, non multis ab eo tempore mensibus eiectus est e civitate; Sulpicius autem, qui in eadem invidiae flamma fuisset, quibuscum privatus coniunctissime vixerat hos in tribunatu spoliare instituit omni dignitate; cui quidem ad summam gloriam eloquentiae florescenti ferro erepta vita est et poena temeritatis non sine magno reipublicae malo constituta.

12 Ego vero te, Crasse, cum vitae flore, tum mortis opportunitate divino consilio et ornatum[1] et exstinctum esse arbitror; nam tibi aut pro virtute animi constantiaque tua civilis ferri subeunda fuit crudelitas aut, si qua te fortuna ab atrocitate mortis vindicasset, eadem esse te funerum patriae spectatorem coegisset; neque solum tibi improborum dominatus

[1] *v.l.* ortum.

Tuscan host, side by side with the head of his brother Lucius Julius, so that Gaius, who did not witness these events, may be deemed to have spent his life with the republic still living and to have passed out of existence together with her passing. For he did not see his gallant kinsman Publius Crassus dispatched by his own hand, nor Vesta's image splashed with the blood of his colleague the chief pontiff—who patriot as he was would have mourned the wicked murder on the very same day of his bitter enemy Gaius Carbo
11 also; he did not see the awful and pitiable disasters that befell even the men who on that occasion had pledged their youthful loyalty to Crassus—of whom Cotta, whom he had left prosperous, owing to personal animosity was a few days after the death of Crassus expelled from his office of tribune, and a few months later banished from the country; while Sulpicius, although he had been involved in the same outburst of hatred, in his tribuneship set about robbing of every honourable office the very persons with whom before he rose to office he had associated on the closest terms of intimacy; yet he indeed, when just achieving the highest distinction in eloquence, lost his life by the sword and met the penalty of his rashness, not without great loss to the state.

12 But in my opinion, Crassus, both the brilliant life vouchsafed to you and the timely death that ended your career display the working of a wise providence; for either your courage and resolution would have made you fall a victim to the cruel blade of civil war, or else, if some chance had rescued you from an awful death, that same chance would have forced you to be a spectator of fatal blows dealt to your country; and you would have had to lament not only the domina-

sed etiam propter admixtam civium caedem bonorum
victoria maerori fuisset.
13 IV. Mihi quidem, Quinte frater, et eorum casus
de quibus ante dixi et ea quae nosmet ipsi ob amorem
in rempublicam incredibilem et singularem pertuli-
mus ac sensimus cogitanti sententia saepe tua vera
ac sapiens videri solet, qui propter tot, tantos, tamque
praecipites casus clarissimorum hominum atque op-
timorum virorum me semper ab omni contentione ac
14 dimicatione revocasti. Sed quoniam haec iam neque
in integro nobis esse possunt et summi labores nostri
magna compensati gloria mitigantur, pergamus ad
ea solatia quae non modo sedatis molestiis iucunda
sed etiam haerentibus salutaria nobis esse possunt,
sermonemque L. Crassi reliquum ac paene pos-
tremum memoriae prodamus, atque ei etsi nequa-
quam parem illius ingenio at pro nostro tamen studio
15 meritam gratiam debitamque referamus. Neque
enim quisquam nostrum, cum libros Platonis mira-
biliter scriptos legit in quibus omnibus fere Socrates
exprimitur, non, quanquam illa scripta sunt divinitus,
tamen maius quiddam de illo de quo scripta sunt
suspicatur; quod item nos postulamus non a te qui-
dem qui nobis omnia summa tribuis sed a ceteris qui
haec in manus sument, ut maius quiddam de L.
Crasso quam quantum a nobis exprimetur suspicen-
16 tur. Nos enim, qui ipsi sermoni non interfuissemus

tion of the wicked but also the victory of the righteous,
as it involved the massacre of your countrymen.
13 IV. For my own part, brother Quintus, when I
think of the disasters of the persons I have spoken of
before and also the reverses that an incredible and
unparalleled patriotism has prompted me myself to
undergo, I am often inclined to think that your
judgement has been true and wise, when in view of all
the violent and crushing disasters that have befallen
persons of the highest distinction and men of super-
lative merit, you have constantly urged me to desist
14 from all controversy and competition. But as these
matters can no longer be for me an issue still open,
and as my efforts, intense as they were, have been
lightened by the compensation of great renown, let
me press forward to the consolations that have the
capacity not only to delight me when my troubles are
allayed, but also to cheer me while they still persist;
and let me place on record the remaining and almost
the final discourse of Lucius Crassus, and repay him
the gratitude due to his deserts, which if it by no
means comes up to his genius yet is the best that my
15 devotion can achieve. In point of fact, when reading
the admirable volumes of Plato, almost all of them
containing a picture of Socrates, there is not one of us
who, although they are works of genius, yet does not
imagine something on a larger scale in regard to the
personality that is their subject; and I make a
similar claim not indeed upon yourself, who pay me
the highest possible consideration, but upon every-
body else who takes this work into his hands, that he
shall form a mental picture of Lucius Crassus on a
16 larger scale than the sketch that I shall draw. For I
was not myself present at the conversation, and have

Author's motive and method.

et quibus C. Cotta tantummodo locos ac sententias huius disputationis tradidisset, quo in genere orationis utrumque oratorem cognoveramus, id ipsum sumus in eorum sermone adumbrare conati; quod si quis erit qui ductus opinione vulgi aut Antonium ieiuniorem aut Crassum pleniorem fuisse putet quam quomodo a nobis uterque inductus est, is erit ex eis qui aut illos non audierint aut iudicare non possint. Nam fuit uterque, ut exposui antea, cum studio atque ingenio et doctrina praestans omnibus, tum in suo genere perfectus, ut neque in Antonio deesset hic ornatus orationis neque in Crasso redundaret.

17 V. Ut igitur ante meridiem discesserunt paululumque requierunt, in primis hoc a se Cotta animadversum esse dicebat, omne illud tempus meridianum Crassum in acerrima atque attentissima cogitatione posuisse, seseque, qui vultum eius cum ei dicendum esset obtutumque oculorum in cogitando probe nosset atque in maximis causis saepe vidisset, tum dedita opera quiescentibus aliis in eam exhedram venisse in qua Crassus lectulo posito recubuisset, cumque eum in cogitatione defixum esse sensisset, statim recessisse, atque in eo silentio duas horas fere esse consumptas. Deinde cum omnes inclinato iam in pomeridianum tempus die venissent ad Crassum,

only received a report from Gaius Cotta of the general lines of argument and opinions expressed in this debate; and it is just this that I have attempted to indicate in the discourses of the two orators, merely the class of oratory in which each of them was actually known to me; and if there is anybody who is led by the popular belief to think that Antonius must have employed a plainer style or Crassus a more abundant one than each is represented by me as using, the critic will belong to the class of people who either never heard these orators or else lack the capacity to judge them. For in point of fact each of them, as I have before explained, not only exceeded everybody else in devotion to oratory, in natural talent and also in learning, but also was an absolute master in his own class, so the oratorical embellishments in question were neither wanting in the case of Antonius nor superabundant in that of Crassus.

17 V. Accordingly, Cotta went on to say, after they had separated before noon to take a brief siesta, what he chiefly noticed was that Crassus devoted all this midday interval to the closest and most careful meditation; and that as he was well acquainted with the look he wore when he had to make a speech and with the fixed gaze of his eyes when he was meditating, and had often witnessed this in important lawsuits, on the present occasion he was careful to wait till the others were reposing, when he came to the alcove where Crassus was reclining on a couch placed there for him, and as he perceived that he was buried deep in meditation, at once retired; and that almost two hours were spent in this manner without a word being spoken. Later on, when afternoon had begun, they all joined Crassus; and Julius said,

Debate resumed after siesta.

Quid est, Crasse, inquit Iulius, imusne sessum? etsi admonitum venimus te, non flagitatum.

18 Tum Crassus: An me tam impudentem esse existimatis ut vobis hoc praesertim munus putem me[1] diutius posse debere?

Quinam igitur, inquit ille, locus? an in media silva placet? Est enim is maxime et opacus et frigidus.

Sane, inquit Crassus, etenim est in eo loco sedes huic nostro non inopportuna sermoni.

Cum placuisset idem ceteris, in silvam venitur et ibi magna cum audiendi exspectatione considitur.

19 Tum Crassus: Cum auctoritas atque amicitia vestra tum Antoni facilitas eripuit, inquit, mihi in optima mea causa libertatem recusandi; quanquam in partienda disputatione nostra, cum sibi de eis quae dici ab oratore oporteret sumeret, mihi autem relinqueret ut explicarem quemadmodum illa ornari oporteret, ea divisit quae seiuncta esse non possunt. Nam cum omnis ex re atque verbis constet oratio, neque verba sedem habere possunt si rem subtraxeris neque
20 res lumen si verba semoveris. Ac mihi quidem veteres illi maius quiddam animo complexi, multo plus etiam vidisse videntur quam quantum nostrorum ingeniorum acies intueri potest, qui omnia haec, quae supra et subter, unum esse et una vi atque[2] consensione naturae constricta esse dixerunt. Nullum est

[1] me *add. Lambinus.* [2] *v.l.* atque una.

"How now, Crassus? Shall we resume our session?—though we only come to give you a reminder, not to insist."

18 "Do you think me so devoid of shame" replied Crassus, "as to consider it possible for me to withhold this due of all dues from you any longer?"

"Well then," said the other, "what is to be our place of session? Would you like somewhere in the middle of the plantation? There it is the shadiest and coolest."

"Quite so," said Crassus, "in fact there is a seat in the place you suggest that will not do badly for this colloquy of ours."

The proposal was carried unanimously, and we went into the plantation and took our seats there, all agog to listen.

Crassus begins his exposition: style and matter not separable, and eloquence a single art, to whatever subject applied.

19 Thereupon Crassus said, "Your influence over me and your friendship for me, no less than the promptness of Antonius, have deprived me of all excuse for refusing the task, although I have an excellent case for doing so; all the same, when in arranging our shares in the debate he took for himself the subject of the proper topics of oratory and left it to me to expound the proper method of embellishing them, he separated from one another things that cannot really stand apart. Every speech consists of matter and words, and the words cannot fall into place if you remove the matter, nor can the matter have clarity
20 if you withdraw the words. And in my own view the great men of the past, having a wider mental grasp, had also a far deeper insight than our mind's eye can achieve, when they asserted that all this universe above us and below is one single whole, and is held together by a single force and harmony of nature;

enim genus rerum quod aut avulsum a ceteris per se ipsum constare aut quo cetera si careant, vim suam atque aeternitatem conservare possint.

21 VI. Sed si haec maior esse ratio videtur quam ut hominum possit sensu aut cogitatione comprehendi, est etiam illa Platonis vera et tibi, Catule, certe non inaudita vox. Omnem doctrinam harum ingenuarum et humanarum artium uno quodam societatis vinculo contineri: ubi enim perspecta vis est rationis eius qua causae rerum atque exitus cognoscuntur, mirus quidam omnium quasi consensus
22 doctrinarum concentusque reperitur. Sed si hoc quoque videtur esse altius quam ut id nos humi strati suspicere possimus, illud certe tamen quod amplexi sumus, quod profitemur, quod suscepimus, nosse et tenere debemus.

Una est enim, quod et ego hesterno die dixi et aliquot locis antemeridiano sermone significavit Antonius, eloquentia, quascumque in oras disputationis
23 regionesve delata est; nam sive de caeli natura loquitur sive de terrae, sive de divina vi sive de humana, sive ex inferiore loco sive ex aequo sive ex superiore, sive ut impellat homines sive ut doceat sive ut deterreat sive ut concitet sive ut reflectat, sive ut incendat sive ut leniat, sive ad paucos sive ad multos, sive inter alienos sive cum suis sive secum, rivis est diducta oratio, non fontibus, et quocumque ingreditur eodem est instructu ornatuque comitata.

for there exists no class of things which can stand by itself, severed from the rest, or which the rest can dispense with and yet be able to preserve their own force and everlasting existence.

21 VI. "But if this appears to be too vast a theory for the senses or the thought of human beings to be able to grasp it, there is also the truth enunciated by Plato, which you, Catulus, have undoubtedly heard, that the whole of the content of the liberal and humane sciences is comprised within a single bond of union; since, when we grasp the meaning of the theory that explains the causes and issues of things, we discover that a marvellous agreement and harmony underlies all branches of knowledge.
22 But if this truth also seems too lofty for the sight of us lowly earthlings to be able to rise to it, nevertheless it is unquestionably our duty to know and to hold to the system that we have embraced and profess and have undertaken to maintain.

"For, as I said yesterday, and also Antonius indicated in some passages of his discourse this morning, eloquence is one, into whatever shores or realms of dis-
23 course it ranges. Whether its subject is the nature of the heavens or of the earth, the power of gods or men, whether it speaks from the well of the court or the floor of the house or from the bench or rostrum, whether its object is to move men to action or to instruct them or to deter them, to excite them or to curb them, to fire them or to calm them down, whether it be delivered to few or to many, among strangers or among friends or by oneself, the flow of language though running in different channels does not spring from different sources, and wherever it goes, the same supply of matter and equipment of

24 Sed quoniam oppressi iam sumus opinionibus non modo vulgi verum etiam hominum leviter eruditorum, qui quae complecti tota nequeunt haec facilius divulsa et quasi discerpta contrectant, et qui tanquam ab animo corpus sic a sententiis verba seiungunt, quorum sine interitu fieri neutrum potest, non suscipiam oratione mea plus quam mihi imponitur: tantum significabo brevi, neque verborum ornatum inveniri posse non partis[1] expressisque sententiis neque esse ullam sententiam illustrem sine luce verborum.

25 Sed priusquam illa conor attingere quibus orationem ornari atque illuminari putem, proponam breviter quid sentiam de universo genere dicendi.

VII. Natura nulla est, ut mihi videtur, quae non habeat in suo genere res complures dissimiles inter se, quae tamen consimili laude dignentur; nam et auribus multa percipimus quae etsi nos vocibus delectant tamen ita sunt varia saepe ut id quod proximum audias iucundissimum esse videatur; et oculis colliguntur paene innumerabiles voluptates quae nos ita capiunt ut unum sensum in[2] dissimili genere delectent; et reliquos sensus voluptates oblectant dispares, ut sit difficile iudicium excellentis maxime
26 suavitatis. Atque[3] hoc idem quod est in naturis rerum transferri potest etiam ad artes. Una fingendi

[1] *Lambinus:* partitis. [2] in *add. Sorof.* [3] *Kayser:* at.

24 style go with it. But as nowadays we are deluged not only with the notions of the vulgar but also with the opinions of the half-educated, who find it easier to deal with matters that they cannot grasp in their entirety if they split them up and take them piecemeal, and who separate words from thoughts as one might sever body from mind—and neither process can take place without disaster,—I will not undertake more in my speech than is placed upon me: I will only give briefly my opinion, that it is impossible to achieve an ornate style without first procuring ideas and putting them into shape, and at the same time that no idea can possess distinction without lucidity of style.

25 "But before attempting to deal with the qualities that seem to me to give ornament and brilliance to a discourse, I will briefly put forward my views on the subject of oratory as a whole.

The senses receive different impressions and artists have different styles, but all may give pleasure;

VII. "Among natural objects, as it seems to me, there is none which does not comprise in its own kind a multiplicity of things that are different from one another and yet are esteemed as having a similar value: for instance, our ears convey to us a number of perceptions which, while consisting in sounds that give us pleasure, are nevertheless frequently so different from one another that you think the one you hear last the most agreeable; also our eyes collect for us an almost countless number of pleasures, whose charm consists in their delighting a single sense in a variety of different ways; and the rest of the senses enjoy gratifications of various kinds, making it diffi-
26 cult to decide which is the most agreeable. Moreover this observation in the sphere of natural objects can also be transferred to the arts as well. There is a

est ars, in qua praestantes fuerunt Myro, Polyclitus, Lysippus, qui omnes inter se dissimiles fuerunt, sed ita tamen ut neminem sui velis esse dissimilem. Una est ars ratioque picturae, dissimillimique tamen inter se Zeuxis, Aglaophon, Apelles, neque eorum quisquam est cui quidquam in arte sua deesse videatur. Et si hoc in his quasi mutis artibus est mirandum et tamen verum, quanto admirabilius in oratione atque in lingua! Quae cum in eisdem sententiis verbisque versetur, summas habet dissimilitudines non sic ut alii vituperandi sint, sed ut ei quos constet esse laudandos in dispari tamen genere laudentur.

27 Atque id primum in poetis cerni licet, quibus est proxima cognatio cum oratoribus, quam sint inter sese Ennius, Pacuvius Acciusque dissimiles; quam apud Graecos Aeschylus, Sophocles, Euripides, quanquam omnibus par paene laus in dissimili scribendi genere tribuatur.

28 Aspicite nunc eos homines atque intuemini quorum de facultate quaerimus [quid intersit inter oratorum studia atque naturas].[1] Suavitatem Isocrates, subtilitatem Lysias, acumen Hyperides, sonitum Aeschines, vim Demosthenes habuit: quis eorum non egregius? tamen quis cuiusquam nisi sui similis? Gravitatem Africanus, lenitatem Laelius, asperitatem Galba, profluens quiddam habuit Carbo

[1] *secl. Kayser.*

[a] Presumably an interpolation.

single art of sculpture, in which eminence was attained by Myron, Polyclitus and Lysippus, all of whom were different from one another, yet without the consequence of our desiring any one of them to be different from what he was. There is a single art and method of painting, and nevertheless there is an extreme dissimilarity between Zeuxis, Aglaophon and Apelles, while at the same time there is not one among them who can be thought to lack any factor in his art. And if this be surprising and nevertheless true in the case of what may be called the silent arts, how much more remarkable it is in oratory and in language! This art is occupied with the same supply of ideas and expressions, and yet it comprises extreme dissimilarities—not in the sense that some speakers deserve praise and others blame, but that the ones admittedly deserving of praise nevertheless achieve it in a variety of styles.

27 "This can in the first instance be observed in the case of poetry, poets being the next of kin to orators; what a difference there is between Ennius, Pacuvius and Accius, and in Greece between Aeschylus, Sophocles and Euripides, although all of them win almost equal applause in their various styles of writing.

28 "Now turn your attention to consider the people whose department we are investigating [the difference between the interests and the natures of orators].[a] Isocrates had grace of style, Lysias precision, Hyperides penetration, Aeschines sonorousness, Demosthenes force: which of them is not eminent? and yet which resembles anyone but himself? Africanus had weight, Laelius smoothness, Galba harshness, Carbo a kind of flow and melody:

Similarly different styles of oratory may all be admirable.

et canorum: quis horum non princeps temporibus illis fuit? et suo tamen quisque in genere princeps.

29 VIII. Sed quid ego vetera conquiram, cum mihi liceat uti praesentibus exemplis atque vivis? Quid iucundius auribus nostris unquam accidit huius oratione Catuli? quae est pura sic ut Latine loqui paene solus videatur, sic autem gravis ut in singulari dignitate omnis tamen adsit humanitas ac lepos. Quid multa? istum audiens equidem sic iudicare soleo, quidquid aut addideris aut mutaveris aut detraxeris, vitiosius et deterius futurum.

30 Quid, noster hic Caesar nonne novam quamdam rationem attulit orationis et dicendi genus induxit prope singulare? Quis unquam res praeter hunc tragicas paene comice,[1] tristes remisse, severas hilare, forenses scenica prope venustate tractavit, atque ita ut neque iocus magnitudine rerum excluderetur nec

31 gravitas facetiis minueretur? Ecce praesentes duo prope aequales Sulpicius et Cotta: quid tam inter se dissimile? quid tam in suo genere praestans? Limatus alter et subtilis, rem explicans propriis aptisque verbis, haeret in causa semper et, quid iudici probandum sit cum acutissime vidit, omissis ceteris argumentis in eo mentem orationemque defigit, Sulpicius autem fortissimo quodam animi impetu, plenissima et maxima voce, summa contentione corporis et

[1] tragicas paene comice *secl. edd. nonnulli.*

[a] This doubtful compliment to the orator's style has been suspected to be an interpolation.

which of these in the old days was not eminent? and yet each eminent in his own particular style.

29 VIII. "But why should I ransack past history for instances, when it is open to me to use examples living at the present day? What greater treat have our ears ever had than the eloquence of our friend Catulus? Its style is so pure that he seems almost the only person that speaks sound Latin, and while weighty, its unique dignity nevertheless includes complete urbanity and charm. In brief, for my own part when listening to him my regular verdict is that any addition or alteration or subtraction you might make would be inferior—an alteration for the worse.

30 "Again, has not our friend Caesar here contributed quite a novel method of oratory and introduced a style that is almost unique? Whoever beside Caesar has handled tragic themes in a manner almost proper to comedy,[a] gloomy topics lightheartedly, severe ones cheerfully, and the business of the courts with a charm suggestive of the stage? and this without allowing the importance of the subject to preclude a jest or the touches of humour to impair the dignity of

31 the style. In present company, consider Sulpicius and Cotta, who stand almost on a level: what greater difference could there be between two orators, and yet what greater eminence in their respective styles? The one accurate and precise, unfolding the matter in language appropriate and suitable to it—he always sticks to his brief, and having discerned with supreme acumen the point that has to be proved to the court, he lays all other matters on one side and rivets his thoughts and utterances to this; Sulpicius on the other hand combines extreme boldness and energy, a very loud and resonant voice, and unrivalled vigour

dignitate motus, verborum quoque ea gravitate et copia est ut unus ad dicendum instructissimus a natura esse videatur.

32 IX. Ad nosmet ipsos iam revertor, quoniam sic fuimus semper comparati ut hominum sermonibus quasi in aliquod contentionis iudicium vocaremur: quid tam dissimile quam ego in dicendo et Antonius? cum ille is sit orator ut nihil eo possit esse praestantius, ego autem, quanquam memet mei poenitet, cum hoc maxime tamen in comparatione coniungar. Videtisne genus hoc quod sit Antoni? Forte, vehemens, commotum in agendo, praemunitum et ex omni parte causae septum, acre, acutum, enucleatum, in una[1] quaque re commorans, honeste cedens, acriter insequens, terrens, supplicans, summa orationis varietate, nulla nostrarum aurium satietate.

33 Nos autem, quicumque in dicendo sumus (quoniam esse aliquo in numero vobis videmur), certe tamen ab huius multum genere distamus; quod quale sit non est meum dicere, propterea quod minime sibi quisque notus est et difficillime de se quisque sentit; sed tamen dissimilitudo intellegi potest et ex motus mei mediocritate et ex eo quod, quibus vestigiis primum institi, in eis fere soleo perorare, et quod aliquanto me maior in verbis[2] eligendis quam eum labo cura torquet, verentem ne si paulo obsoletior

[1] *v.l.* in sua.

[2] in verbis quam in sententiis *codd.*, quam in sententiis *secl. Wilkins.*

of bearing and dignity of gesture with a weight and flow of language that make us think him Nature's nonpareil of orators!

32 IX. "I now come back to ourselves, as comparison has so constantly been made between us that the talk of the town seemed to summon us to appear in competition before a court of critics. What two styles of oratory can be more unlike than mine and Antonius's? although he is an orator of unsurpassable eminence, while I, although far from satisfied with my achievements, am nevertheless especially coupled with Antonius for comparison. Do you not see what this style of Antonius's is? it is bold, vehement, vigorous in delivery, carefully prepared and safeguarded in respect of every aspect of the case, keen, penetrating, precise, dwelling upon each separate point, making courteous concessions and gallant onsets, intimidating, imploring, employing a vast variety of styles without
33 ever exhausting the appetite of the audience. I on the other hand, whatever my status as an orator may be—as you are pleased to deem me of some account—, nevertheless unquestionably stand at a wide distance removed from the class to which our friend here belongs; what the nature of the difference may be, it is not my business to say, for the reason that everybody is very little acquainted with himself and has the greatest difficulty in forming an opinion about himself; but nevertheless the dissimilarity can be inferred both from my moderation in the employment of action and my almost invariable practice of ending a speech standing exactly where I first took up my position, and from my being tormented by considerably more anxiety and trouble in regard to choice of vocabulary than he is, as I am afraid lest if I employ

fuerit oratio non digna exspectatione et silentio fuisse
34 videatur. Quod si in nobis qui adsumus tantae dis-
similitudines sunt,[1] tam certae res cuiusque propriae,
et in ea varietate fere melius a deteriore facultate
magis quam genere distinguitur, atque omne lauda-
tur quod in suo genere perfectum est, quid censetis
si omnes qui ubique sunt aut fuerunt oratores
amplecti voluerimus? nonne fore ut quot oratores,
totidem paene reperiantur genera dicendi?

Ex qua mea disputatione forsitan occurrat illud,
si paene innumerabiles sint quasi formae figuraeque
dicendi, specie dispares, genere laudabiles, non posse
ea quae inter se discrepant eisdem praeceptis atque
35 in una institutione formari. Quod non est ita, dili-
gentissimeque hoc est eis qui instituunt aliquos atque
erudiunt videndum quo sua quemque natura maxime
ferre videatur. Etenim videmus ex eodem quasi
ludo summorum in suo cuiusque genere artificum et
magistrorum exisse discipulos dissimiles inter se, at-
tamen laudandos, cum ad cuiusque naturam insti-
36 tutio doctoris accommodaretur. Cuius est vel
maxime insigne illud exemplum (ut ceteras artes
omittamus) quod dicebat Isocrates doctor singularis
se calcaribus in Ephoro, contra autem in Theopompo
frenis uti solere: alterum enim exsultantem ver-

[1] sunt *add. Bakius.*

too old-fashioned a style my speech may be thought
to have been unworthy of the hushed attention of
34 the audience. And if such wide differences exist
between us who are present and each of us has
such clearly marked characteristics, and if in this
variety the superior is distinguished from the in-
ferior almost more by capacity than by style, and
everything is applauded that is perfect in its own
style, what do you not suppose the result will be if we
choose to take into consideration all the orators past
and present of all countries? do you not expect that
we shall find almost as many styles of oratory as
orators?

"This assertion on my part may possibly suggest
the objection that, if the ideal types of oratory,
different in form but each in its own kind praise-
worthy, are almost countless in number, it is im-
possible that things thus differing from one another
should be regulated by the same rules and belong to
35 a single system. This is not the case, and it is the
duty of professors who train pupils, to be most careful
to observe the direction in which each seems to be
specially carried by his own nature. For as a matter
of fact we notice that pupils have emerged from the
same school, kept by experts and masters of supreme
eminence in their respective styles, who though quite
unlike one another are yet worthy of commendation,
in cases when the teacher's curriculum has been
36 adapted to the nature of the individual pupil. A
most outstanding instance of this (to leave out the
other systems) is the saying of the eminent professor
Isocrates, that he made a practice of employing the
spur with Ephorus and the bridle with Theopompus—
meaning that he used to check the one's exuberance

borum audacia reprimebat, alterum cunctantem et
quasi verecundantem incitabat. Neque eos similes
effecit inter se, sed tantum alteri affinxit, de altero
limavit, ut id conformaret in utroque quod utriusque
natura pateretur.

37 X. Haec eo mihi praedicenda fuerunt ut, si non
omnia quae proponerentur a me ad omnium vestrum
studium et ad genus id quod quisque vestrum in
dicendo probaret adhaerescerent, id a me genus
exprimi sentiretis quod maxime mihi ipsi probaretur.

Ergo haec et agenda sunt ab oratore quae ex-
plicavit Antonius et dicenda quodam modo. Quinam
igitur dicendi est modus melior—nam de actione post
videro—quam ut Latine, ut plane, ut ornate, ut ad
id quodcumque agetur apte congruenterque dica-
38 mus ? Atque eorum quidem quae duo prima dixi
rationem non arbitror exspectari a me, puri dilucidi-
que sermonis : neque enim conamur docere eum
dicere qui loqui nesciat, nec sperare qui Latine non
possit hunc ornate esse dicturum, neque vero qui non
dicat quod intellegamus hunc posse quod admiremur
dicere. Linquamus igitur haec, quae cognitionem
habent facilem, usum necessarium : nam alterum
traditur litteris doctrinaque puerili, alterum adhibe-
tur ob eam causam ut intellegatur quid quisque dicat :
quod videmus ita esse necessarium ut tamen eo minus
39 nihil esse possit. Sed omnis loquendi elegantia

and boldness of style and spur on the hesitation and
diffidence of the other. Not that he turned them
out like one another, but he grafted on to the one,
and pruned away from the other, exactly the right
amount to produce in each the configuration that the
nature of each permitted.

37 X. "I had to make these prefatory observations,
in order that, in case the considerations I put forward
should not all be adapted to the taste of all of you
and to the kind of oratory that you severally favour,
you may understand that the kind I am describing is
the one that I most approve of myself.

"Well then, it is the business of an orator both to
argue the points that Antonius has enumerated and
also to express them in a particular style. Now
what better style of expression can there be—I will
consider delivery later—than that our language
should be correct, lucid, ornate and suitably appro-
priate to the particular matter under consideration ?
38 Now as to the two first-mentioned qualities, I do
not suppose that I shall be expected to give an ac-
count of purity and lucidity of language, as it is not
our task to teach oratory to a person who does not
know the language, nor to hope that one who cannot
speak correct Latin should speak ornately, nor yet
that one who does not say something that we can
understand can possibly say something that we shall
admire. Let us therefore leave these qualities, which
are easy to learn and indispensable ; for one of them
is conveyed by books and by elementary education,
and the other is employed for the purpose of making
an individual's statements understood, which ob-
viously while indispensable is at the same time the
39 merest minimum. But all correct choice of diction,

Four requisites of style for oratory (§§ 37-90): (1) correct diction, (2) lucidity

quanquam expolitur scientia litterarum, tamen augetur legendis oratoribus et poetis. Sunt enim illi veteres, qui ornare nondum poterant ea quae dicebant, omnes prope praeclare locuti: quorum sermone assuefacti qui erunt, ne cupientes quidem poterunt loqui nisi Latine. Neque tamen erit utendum verbis eis quibus iam consuetudo nostra non utitur, nisi quando ornandi causa, parce, quod ostendam; sed usitatis ita poterit uti lectissimis ut utatur is qui in veteribus erit scriptis studiose et multum volutatus.

40 XI. Atque ut Latine loquamur non solum videndum est ut et verba efferamus ea quae nemo iure reprehendat, et ea sic et casibus et temporibus et genere et numero conservemus ut ne quid perturbatum ac discrepans aut praeposterum sit, sed etiam lingua et spiritus et vocis sonus est ipse moderandus.
41 Nolo exprimi litteras putidius, nolo obscurari neglegentius; nolo verba exiliter exanimata exire, nolo inflata et quasi anhelata gravius. Nam de voce nondum ea dico quae sunt actionis, sed hoc quod mihi cum sermone quasi coniunctum videtur: sunt enim certa vitia quae nemo est quin effugere cupiat—mollis vox aut muliebris aut quasi extra modum
42 absona atque absurda. Est autem vitium quod nonnulli de industria consectantur: rustica vox et agrestis quosdam delectat, quo magis antiquitatem, si

although it is formed by knowledge of literature, is nevertheless increased by reading the orators and poets; for the old masters, who did not yet possess the ability to embellish their utterances, almost all of them had an eminently clear style, and those who have made themselves familiar with their language, will be unable to speak anything but good Latin, even if they want to. All the same they must not employ words that are no longer in customary use, except occasionally and sparingly, for the sake of decoration, as I will explain; but one who has diligently steeped himself in the old writings while employing words in current usage will be able to employ the choicest among them.

40 XI. "And in order to speak correctly we must not only be careful both to produce words that no one can justly object to and to arrange them in respect of cases, tenses, gender and number in such a manner that there may be no confusion and false concord or wrong order, but we must also regulate our tongue

Pronunciation.

41 and breath and actual tone of voice. I want neither excessive precision nor yet slackness in the pronunciation of the letters, neither faintness and feebleness nor yet excessive fullness and volume in the utterance of the words. For on the question of voice I am not yet speaking of points that concern delivery, but about a matter that seems to me to be connected with utterance as such: there are certain faults which everyone without exception desires to escape—a soft or effeminate tone of voice,
42 or one that is unmusical and out of tune. But there is one fault that some persons deliberately affect: certain people enjoy using a rustic countrified pronunciation, with the object that if their speech is in

ita sonet, eorum sermo retinere videatur: ut tuus, Catule, sodalis L. Cotta gaudere mihi videtur gravitate linguae sonoque vocis agresti, et illud quod loquitur priscum visum iri putat si plane fuerit rusticanum. Me autem tuus sonus et subtilitas ista delectat—omitto verborum, quanquam est caput, verum id affert ratio, docent litterae, confirmat consuetudo et legendi et loquendi—sed hanc dico suavitatem quae exit ex ore: quae quidem ut apud Graecos Atticorum, sic in Latino sermone, huius
43 est urbis maxime propria: Athenis iam diu doctrina ipsorum Atheniensium interiit, domicilium tantum in illa urbe remanet studiorum quibus vacant cives, peregrini fruuntur capti quodammodo nomine urbis et auctoritate; tamen eruditissimos homines Asiaticos quivis Atheniensis indoctus non verbis sed sono vocis nec tam bene quam suaviter loquendo facile superabit. Nostri minus student litteris quam Latini; tamen ex istis quos nostis urbanis, in quibus minimum est litterarum, nemo est quin litteratissimum togatorum omnium Q. Valerium Soranum lenitate vocis atque ipso oris pressu et sono facile vincat.

44 XII. Quare cum sit quaedam certa vox Romani generis urbisque propria, in qua nihil offendi, nihil

this tone it may seem to preserve a greater flavour of antiquity; just as your friend Lucius Cotta, Catulus, appears to me to take pleasure in a heavy tone and a rustic pronunciation, and thinks that what he says will seem to have a flavour of the good old days if it is downright countrified. I on the contrary like your tone of voice and delicate precision—I do not at the moment mean precision of language, though that is of chief importance, but it is the product of method, and learnt from literature, and strengthened by practice in reading and in speaking, —but I mean actual charm of utterance, a merit which as among the Greeks it is peculiar to Attica so in Latin speech is specially the attribute of this
43 city. At Athens erudition among the Athenians themselves has long ago perished, and that city now only continues to supply a lodging for studies from which the citizens are entirely aloof, and which are enjoyed by foreign visitors who are under the spell of the city's name and authority; nevertheless any uneducated Athenian will easily surpass the most cultivated Asiatics not in vocabulary but in tone of voice, and not so much in the correctness as in the charm of his way of speaking. Our citizens study literature less than the people of Latium, and yet there is not one of the fine gentlemen of your acquaintance, virtually devoid as they are of literature, who does not easily beat Q. Valerius Soranus, the most erudite *littérateur* of all who have the Roman citizenship, in smoothness of voice and in actual distinctness of pronunciation and tone.

44 XII. "Consequently as there is a particular accent peculiar to the Roman race and to our city, involving no possibility of stumbling or causing offence or

displicere, nihil animadverti possit, nihil sonare aut olere peregrinum, hanc sequamur, neque solum rusticam asperitatem sed etiam peregrinam insolentiam
45 fugere discamus. Equidem cum audio socrum meam Laeliam—facilius enim mulieres incorruptam antiquitatem conservant, quod multorum sermonis expertes ea tenent semper quae prima didicerunt—sed eam sic audio ut Plautum mihi aut Naevium videar audire: sono ipso vocis ita recto et simplici est ut nihil ostentationis aut imitationis afferre videatur; ex quo sic locutum esse eius patrem iudico, sic maiores, non aspere, ut ille quem dixi, non vaste, non rustice, non hiulce, sed presse et aequabiliter et leniter.
46 Quare Cotta noster, cuius tu illa lata, Sulpici, nonnunquam imitaris ut iota litteram tollas et E plenissimum dicas, non mihi oratores antiquos sed messores videtur imitari.

Hic cum arrisisset ipse Sulpicius, Sic agam vobiscum, inquit Crassus, ut, quoniam me loqui voluistis, aliquid de vestris vitiis audiatis.

Utinam quidem! inquit ille, id enim ipsum volumus, idque si feceris, multa, ut arbitror, hic hodie vitia ponemus.

47 At enim non sine meo periculo, Crassus inquit, possum, Sulpici, te reprehendere, quoniam Antonius mihi te simillimum dixit sibi videri.

Tum ille: Tu vero, quod[1] monuit idem ut ea quae in quoque maxima essent imitaremur: ex quo

[1] *Schütz:* Tum quod.

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[a] Book II, § 91.

unpleasantness or objection, no note or flavour of provincialism, let us make this accent our model, and learn to avoid not only rustic roughness but also
45 provincial solecisms. For my own part when I hear my wife's mother Laelia—since it is easier for women to keep the old pronunciation unspoiled, as they do not converse with a number of people and so always retain the accents they heard first—well, I listen to her with the feeling that I am listening to Plautus or Naevius: the actual sound of her voice is so unaffected and natural that she seems to introduce no trace of display or affectation; and I consequently infer that that was how her father and her ancestors used to speak—not harshly, like the person I mentioned, nor with a broad or countrified or jerky pronunciation, but neatly and evenly and smoothly.
46 Consequently our friend Cotta, whose broad pronunciation referred to before[a] you occasionally copy, Sulpicius, in dropping the letter I and substituting a very full E, is in my opinion copying not the orators of old days but the farm-labourers."

This made even Sulpicius laugh; and Crassus went on: "You gentlemen wanted me to speak, and so I will deal with you in such a way as to let you hear something about your own faults."

"I only hope we may!" said the other, "as that is just what we do want, and if you do so I am sure we shall get rid of a lot of faults here to-day."

47 "All the same," said Crassus, "I can't find fault with you without running some risk on my own account, because Antonius said that in his view you and I are extremely like one another."

"O yes you can," rejoined the other, "as he advised us each to copy the other's strongest points,

vereor ne nihil sim tui nisi supplosionem pedis imitatus et pauca quaedam verba et aliquem, si forte, motum.

Ergo ista, inquit Crassus, quae habes a me non reprehendo, ne me ipsum irrideam—sunt autem ea multo et plura et maiora quam dicis; quae autem sunt aut tua plane aut imitatione ex aliquo expressa, de his te, si qui me forte locus ad-
48 monuerit, commonebo. XIII. Praetereamus igitur praecepta Latine loquendi, quae puerilis doctrina tradit et subtilior cognitio ac ratio litterarum alit aut consuetudo sermonis quotidiani ac domestici, libri confirmant et lectio veterum oratorum et poetarum; neque vero in illo altero diutius commoremur, ut disputemus quibus rebus assequi possimus ut ea quae
49 dicamus intellegantur: Latine scilicet dicendo, verbis usitatis ac proprie demonstrantibus ea quae significari ac declarari volemus sine ambiguo verbo aut sermone, non nimis longa continuatione verborum, non valde productis eis quae similitudinis causa ex aliis rebus transferuntur, non discerptis sententiis, non praeposteris temporibus, non confusis personis, non perturbato ordine. Quid multa? tam facilis est tota res ut mihi permirum saepe videatur cum difficilius intellegatur quid patronus velit dicere quam si
50 ipse ille qui patronum adhibet de re sua diceret. Isti enim qui ad nos causas deferunt ita nos plerumque

—which makes me afraid that I have copied nothing of yours except the stamp of the foot and a few turns of language, and possibly some gestures."

"Well then," said Crassus, "I won't find fault with the tricks in you that you have got from me, or my ridicule will fall on myself—and indeed these features are much more numerous and more marked than you say; but, if some occasion happens to prompt me, I will enumerate the qualities that are either absolutely your own or that you have copied by imitation
48 from somebody else. XIII. Therefore let us pass over the rules of correct Latin style, which are imparted by education in boyhood and fostered by a more intensive and systematic study of literature, or else by the habit of daily conversation in the family circle, and confirmed by books and by reading the old orators and poets; and do not let us linger any longer over the second topic either, to discuss by what means we can attain to ensuring that what we say
49 may be understood: obviously this will be by talking correct Latin, and employing words in customary use that indicate literally the meaning that we desire to be conveyed and made clear, without ambiguity of language or style, avoiding excessively long periodic structure, not spinning out metaphors drawn from other things, not breaking the structure of the sentences, not using the wrong tenses, not mixing up the persons, not perverting the order. In short, the whole affair is so easy that it often strikes me as astonishing when it is harder to understand the case as put by an advocate than it would be if the client who has retained him put his own case for himself.
50 In fact the members of the public who entrust their lawsuits to us usually give us such satisfactory

ipsi docent ut non desideres planius dici; easdem res autem simul ac Fufius aut vester aequalis Pomponius agere coepit, non aeque quid dicant nisi admodum attendi intellego: ita confusa est oratio, ita perturbata nihil ut sit primum, nihil ut secundum, tantaque insolentia ac turba verborum ut oratio, quae lumen adhibere rebus debet, ea obscuritatem et tenebras afferat atque ut quodam modo ipsi sibi in
51 dicendo obstrepere videantur. Verum si placet, quoniam haec satis spero vobis quidem certe maiora exspectantibus[1] molesta et putida videri, ad reliqua aliquanto odiosiora pergamus.

XIV. Atqui vides, inquit Antonius, quam alias res agamus, qui adduci possumus—de me enim coniicio—relictis ut rebus omnibus te sectemur: ita de horridis rebus nitida, de ieiunis plena, de pervulgatis nova quaedam est oratio tua!

52 Faciles enim, inquit, Antoni, partes eae fuerunt duae quas modo percurri, vel potius paene praeterii, Latine loquendi planeque dicendi: reliquae sunt magnae, implicatae, variae, graves, quibus omnis admiratio ingeni, omnis laus eloquentiae continetur; nemo enim unquam est oratorem quod Latine loqueretur admiratus: si est aliter, irrident, neque eum oratorem tantummodo sed hominem non putant; nemo extulit eum verbis qui ita dixisset ut

[1] *Reid?:* certe maioribus.

instructions themselves that one could not want it to be put more clearly; whereas the moment Fufius or you gentlemen's contemporary Pomponius begins to plead, unless I pay fairly close attention I do not understand their meaning so well—their speeches are so muddled up and inverted that there is no head or tail to them, and they use such a flood of out-of-the-way words that oratory, the proper function of which is to throw light on the facts, only contributes additional darkness, and that they actually seem in a sort of way to be shouting themselves
51 down in their own speeches. But as I hope that you at all events who undoubtedly have higher requirements consider these tricks of style to be tiresome and in bad taste, please let us go on to the considerably more objectionable ones that remain."

XIV. "All the same," said Antonius, "you see how inattentive we are, when you are able to induce us —as I infer from my own case—to follow your discourse to the exclusion of everything else; so successful is your eloquence in giving charm to subjects that are unattractive, fullness to what is dry, and some degree of novelty to what is hackneyed."

Value of oratory.

52 "Yes, Antonius," he replied, "that is because the two departments I have just run through, or rather almost passed over, are quite easy—the subjects of correctness of style and lucidity; but the remaining ones are big matters, involved, shifting and difficult, and on them depends all success in winning credit for talent and applause for eloquence; for nobody ever admired an orator for correct grammar, they only laugh at him if his grammar is bad, and not only think him no orator but not even a human being; no one ever sang the praises of a speaker whose style

qui adessent intellegerent quid diceret, sed contemp-
53 sit eum qui minus id facere potuisset. In quo igitur homines exhorrescunt? quem stupefacti dicentem intuentur? in quo exclamant? quem deum, ut ita dicam, inter homines putant? Qui distincte, qui explicate, qui abundanter, qui illuminate et rebus et verbis dicunt, et in ipsa oratione quasi quemdam numerum versumque conficiunt—id est quod dico ornate. Qui idem ita moderantur ut rerum, ut personarum dignitates ferunt, ei sunt in eo genere laudandi laudis quod ego aptum et congruens nomino.
54 Qui ita dicerent, eos negavit adhuc se vidisse Antonius, et eis hoc nomen dixit eloquentiae solis esse tribuendum. Quare omnes istos me auctore deridete atque contemnite qui se horum qui nunc ita appellantur rhetorum praeceptis omnem oratoriam[1] vim complexos esse arbitrantur, neque adhuc quam personam teneant aut quid profiteantur intellegere potuerunt. Vero enim oratori quae sunt in hominum vita, quandoquidem in ea versatur orator atque ea est ei subiecta materies, omnia quaesita, audita, lecta,
55 disputata, tractata, agitata esse debent. Est enim eloquentia una quaedam de summis virtutibus—quanquam sunt omnes virtutes aequales et pares, sed tamen est specie[2] alia magis alia formosa et illustris, sicut haec vis quae scientiam complexa re-

[1] *Bakius*: oratorum.
[2] *Kayser*: species.

succeeded in making his meaning intelligible to his audience, but only despised one deficient in capacity
53 to do so. Who then is the man who gives people a thrill? whom do they stare at in amazement when he speaks? who is interrupted by applause? who is thought to be so to say a god among men? It is those whose speeches are clear, explicit and full, perspicuous in matter and in language, and who in the actual delivery achieve a sort of rhythm and cadence—that is, those whose style is what I call artistic. Those who manage this same artistry as the relative importance of the facts and persons concerned directs, deserve to be applauded on the score of the sort of distinction that I designate appro-
54 priateness and suitability of style. Speakers of this kind Antonius declared that he had never so far encountered, and he said that they were the only ones that merit this title of eloquence. Consequently if you take my advice you must treat with derision and contempt all those persons who suppose that the rules laid down by these rhetoricians, now so called, have enabled them to compass the whole range of oratorical power, but who have not so far succeeded in understanding what character they are appearing in or what it is that they profess. For the genuine orator must have investigated and heard and read and discussed and handled and debated the whole of the contents of the life of mankind, inasmuch as that is the field of the orator's activity, the subject matter
55 of his study. For eloquence is one of the supreme virtues—although all the virtues are equal and on a par, but nevertheless one has more beauty and distinction in outward appearance than another, as is the case with this faculty, which, after compassing

rum, sensa mentis et consilia sic verbis explicat ut eos qui audiant quocumque incubuerit possit impellere; quae quo maior est vis, hoc est magis probitate iungenda summaque prudentia; quarum virtutum expertibus si dicendi copiam tradiderimus, non eos quidem oratores effecerimus, sed furentibus quaedam
56 arma dederimus. XV. Hanc, inquam, cogitandi pronuntiandique rationem vimque dicendi veteres Graeci sapientiam nominabant; hinc illi Lycurgi, hinc Pittaci, hinc Solones, atque ab hac similitudine Coruncanii nostri, Fabricii, Catones, Scipiones fuerunt, non tam fortasse docti sed impetu mentis simili et voluntate. Eadem autem alii prudentia sed consilio ad vitae studia dispari quietem atque otium secuti, ut Pythagoras, Democritus, Anaxagoras, a regendis civitatibus totos se ad cognitionem rerum transtulerunt: quae vita propter tranquillitatem et propter ipsius scientiae suavitatem, qua nihil est hominibus iucundius, plures quam utile fuit rebus
57 publicis delectavit. Itaque ut ei studio se excellentissimis ingeniis homines dediderunt, ex ea summa facultate vacui ac liberi temporis, multo plura quam erat necesse doctissimi homines otio nimio et ingeniis

a knowledge of facts, gives verbal expression to the thoughts and purposes of the mind in such a manner as to have the power of driving the hearers forward in any direction in which it has applied its weight; and the stronger this faculty is, the more necessary it is for it to be combined with integrity and supreme wisdom, and if we bestow fluency of speech on persons devoid of those virtues, we shall not have made orators of them but shall have put
56 weapons into the hands of madmen. XV. This method of attaining and of expressing thought, this faculty of speaking, was, I say, designated by the ancient Greeks wisdom; this was the source that produced men like Lycurgus and Pittacus and Solon of old, and after their likeness came the Coruncanii and Fabricii, the Catos and Scipios of Rome, not so much perhaps as the result of instruction but owing to a similarity of intention and of will. Others again with the same wisdom but a different principle as to life's purposes pursued tranquillity and leisure—for instance Pythagoras, Democritus and Anaxagoras, and these abandoned the sphere of government and gave themselves entirely to study; and owing to its tranquillity and to the intrinsic attractiveness of knowledge, which is the sweetest of human pleasures, this life of study laid its charm on a larger number of persons than was advantageous to
57 the commonwealth. Consequently when men of outstanding intellectual ability devoted themselves to this pursuit, as a result of this unlimited command of unoccupied free time, persons of very great learning, being supplied with over-abundant leisure and extreme fertility of intellect, formed the opinion that it was their duty to devote themselves to the pursuit

Relation of oratory to philosophy.

uberrimis affluentes curanda sibi esse ac quaerenda et investiganda duxerunt. Nam vetus quidem illa doctrina eadem videtur et recte faciendi et bene dicendi magistra, neque disiuncti doctores sed eidem erant vivendi praeceptores atque dicendi: ut ille apud Homerum Phoenix qui se a Peleo patre Achilli iuveni comitem esse datum dicit ad bellum ut illum efficeret 'oratorem verborum actoremque rerum.'
58 Sed ut homines labore assiduo et quotidiano assueti, cum tempestatis causa opere prohibentur, ad pilam se aut ad talos aut ad tesseras conferunt aut etiam novum sibi aliquem excogitant in otio ludum, sic illi a negotiis publicis tanquam ab opere aut temporibus exclusi aut voluntate sua feriati totos se alii ad poetas, alii ad geometras, alii ad musicos contulerunt, alii etiam ut dialectici novum sibi ipsi studium ludumque pepererunt atque in eis artibus quae repertae sunt ut puerorum mentes ad humanitatem fingerentur atque virtutem omne tempus atque aetates suas
59 consumpserunt. XVI. Sed quod erant quidam eique multi qui aut in republica propter ancipitem quae non potest esse seiuncta faciendi dicendique sapientiam florerent, ut Themistocles, ut Pericles, ut Theramenes, aut qui minus ipsi in republica versarentur sed huius tamen eiusdem sapientiae doctores essent, ut Gorgias, Thrasymachus, Isocrates, inventi sunt

[a] *Il.* ix. 443 *μύθων τε ῥητῆρ' ἐμέναι πρακτῆρά τε ἔργων.*

of far more numerous lines of investigation than was really necessary. For in old days at all events the same system of instruction seems to have imparted education both in right conduct and in good speech; nor were the professors in two separate groups, but the same masters gave instruction both in ethics and in rhetoric, for instance the great Phoenix in Homer, who says that he was assigned to the young Achilles by his father Peleus to accompany him to the wars in order to make him 'an orator and man of action too.'[a]
58 But just as persons usually engaged in constant daily employment, when debarred from work because of the weather, betake themselves to tennis or gambling or dicing or even devise for themselves some novel game to occupy their leisure, so when the persons in question have been debarred from their work of politics by the circumstances of the time or have chosen to take a vacation, some of them have devoted themselves entirely to poetry, others to mathematics and others to music, and others also have created for themselves a new interest and amusement as dialecticians, and have spent the whole of their time and their lives in the sciences that were invented for the purpose of moulding the minds of the young on
59 the lines of culture and of virtue. XVI. But as there have been certain persons and those a considerable number who either held a high position on account of their twofold wisdom, as men of action and as orators—two careers that are inseparable—, for instance Themistocles and Pericles and Theramenes, or other persons who were not themselves so much engaged in public life but were professional teachers of this same wisdom, for instance Gorgias, Thrasymachus, Isocrates, persons have been found who

qui cum ipsi doctrina et ingeniis abundarent, a re
autem civili et a negotiis animi quodam iudicio abhor-
rerent, hanc dicendi exercitationem exagitarent
60 atque contemnerent. Quorum princeps Socrates fuit,
is qui omnium eruditorum testimonio totiusque
iudicio Graeciae cum prudentia et acumine et venus-
tate et subtilitate, tum vero eloquentia, varietate,
copia quam se cumque in partem dedisset omnium fuit
facile princeps; is eis qui haec quae nos nunc quae-
rimus tractarent, agerent, docerent, cum nomine
appellarentur uno quod omnis rerum optimarum
cognitio atque in eis exercitatio philosophia nomi-
naretur, hoc commune nomen eripuit, sapienterque
sentiendi et ornate dicendi scientiam re cohaerentes
disputationibus suis separavit; cuius ingenium vari-
osque sermones immortalitati scriptis suis Plato
tradidit, cum ipse litteram Socrates nullam reliquisset.
61 Hinc discidium illud exstitit quasi linguae atque
cordis, absurdum sane et inutile et reprehendendum,
ut alii nos sapere, alii dicere docerent. Nam cum
essent plures orti fere a Socrate, quod ex illius variis
et diversis et in omnem partem diffusis disputa-
tionibus alius aliud apprehenderat, proseminatae
sunt quasi familiae dissentientes inter se et multum
disiunctae et dispares, cum tamen omnes se philosophi
Socraticos et dici vellent et esse arbitrarentur.

being themselves copiously furnished with learning
and with talent, but yet shrinking on deliberate
principle from politics and affairs, scouted and scorned
60 this practice of oratory. The chief of these was
Socrates, the person who on the evidence of all men
of learning and the verdict of the whole of Greece,
owing not only to his wisdom and penetration and
charm and subtlety but also to his eloquence and
variety and fertility easily came out top whatever
side in a debate he took up; and whereas the persons
engaged in handling and pursuing and teaching the
subjects that we are now investigating were desig-
nated by a single title, the whole study and practice
of the liberal sciences being entitled philosophy,
Socrates robbed them of this general designation, and
in his discussions separated the science of wise think-
ing from that of elegant speaking, though in reality
they are closely linked together; and the genius and
varied discourses of Socrates have been immortally
enshrined in the compositions of Plato, Socrates
himself not having left a single scrap of writing.
61 This is the source from which has sprung the un-
doubtedly absurd and unprofitable and reprehensible
severance between the tongue and the brain, leading
to our having one set of professors to teach us to
think and another to teach us to speak. For because
of the plurality of schools that virtually sprang from
Socrates, owing to the fact that out of his various
and diverse discussions, ranging in every direction,
one pupil had picked up one doctrine and another
another, there were engendered families at discord
with one another and widely separated and unlike,
although all philosophers claimed and sincerely
claimed the title of followers of Socrates.

62 XVII. Ac primo ab ipso Platone Aristoteles et Xenocrates, quorum alter Peripateticorum, alter Academiae nomen obtinuit; deinde ab Antisthene, qui patientiam et duritiam in Socratico sermone maxime adamarat, Cynici primum, deinde Stoici; tum ab Aristippo, quem illae magis voluptariae disputationes delectarant, Cyrenaica philosophia manavit quam ille et eius posteri simpliciter defenderunt: ei qui nunc voluptate omnia metiuntur, dum verecundius id agunt, nec dignitati satisfaciunt quam non aspernantur nec voluptatem tuentur quam amplexari volunt. Fuerunt etiam alia genera philosophorum qui se omnes fere Socraticos esse dicerent, Eretricorum, Erilliorum, Megaricorum, Pyrrhoneorum, sed ea horum vi et disputationibus sunt iam diu
63 fracta et exstincta. Ex illis autem quae remanent ea philosophia quae suscepit patrocinium voluptatis, etsi cui vera videatur, procul abest tamen ab eo viro quem quaerimus et quem auctorem publici consilii et regendae civitatis ducem et sententiae atque eloquentiae principem in senatu, in populo, in causis publicis esse volumus. Nec ulla tamen ei philosophiae fiet iniuria a nobis; non enim repelletur inde quo aggredi cupiet,[1] sed in hortulis quiescet suis ubi vult, ubi etiam recubans molliter ac delicate nos avocat

[1] <non> cupiet *Matthiae.*

62 XVII. "And in the first place from Plato himself sprang Aristotle and Xenophon, on one of whom was bestowed the name of the Peripatetic School and on the other that of the Academy; and next from Antisthenes, who in the Socratic discourse had been captivated chiefly by the ideal of endurance and hardness, came first the Cynics and next the Stoics; and then from Aristippus, who had taken delight rather in the Socratic discussions on the subject of pleasure, was derived the Cyrenaic philosophy, which Aristippus and his successors maintained without modification, whereas the contemporary thinkers that make pleasure the sole standard of value, in doing so with greater modesty neither satisfy the claims of virtue, which they do not despise, nor successfully defend pleasure, which they wish to embrace. There have also been other groups of philosophers who almost all professed to be followers of Socrates, the Eretrians, the pupils of Erillus, the Megareans, the school of Pyrrho, but these have long ago been routed out of existence by the forceful arguments of the
63 aforesaid schools. But from among the systems still surviving, the philosophy that has undertaken the championship of pleasure, although some may accept it as true, is nevertheless quite remote from the man whom we are seeking and whom we wish to be the political leader of the nation, guiding the government and pre-eminent for wisdom and eloquence in the Senate, in the assembly of the people and in public causes. And nevertheless no wrong will be done to that philosophy by us, for we shall not be debarring it from a position that it aspires to occupy, but it will be reposing where it wishes to be, in its own charming gardens, where moreover as it reclines it

Views of the Post-Aristotelians.

a rostris, a iudiciis, a curia, fortasse sapienter, hac
64 praesertim republica. Verum ego non quaero nunc quae sit philosophia verissima sed quae oratori coniuncta maxime. Quare istos sine ulla contumelia dimittamus, sunt enim et boni viri et, quoniam sibi ita videntur, beati, tantumque eos admoneamus ut illud, etiam si sit verissimum, tacitum tamen tanquam mysterium teneant, quod negant versari in republica esse sapientis: nam si hoc nobis atque optimo cuique persuaserint, non poterunt ipsi esse, id quod maxime cupiunt, otiosi.

65 XVIII. Stoicos autem, quos minime improbo, dimitto tamen, nec eos iratos vereor quoniam omnino irasci nesciunt, atque hanc eis habeo gratiam, quod soli ex omnibus eloquentiam virtutem ac sapientiam esse dixerunt. Sed nimirum[1] est in his quod ab hoc quem instruimus oratore valde abhorreat: vel quod omnes qui sapientes non sint servos, latrones, hostes, insanos esse dicunt, neque tamen quemquam esse sapientem—valde autem est absurdum ei concionem aut senatum aut ullum coetum hominum committere cui nemo illorum qui adsint sanus, nemo civis, nemo
66 liber esse videatur. Accedit quod orationis etiam genus habent fortasse subtile et certe acutum, sed, ut in oratore, exile, inusitatum, abhorrens ab auribus vulgi, obscurum, inane, ieiunum, attamen eius modi

[1] *v.l.* sed utrumque*:* sed utcunque est *Ellendt.*

gently and tactfully appeals to us to abandon the platform and the courts and parliament,—perhaps a wise invitation, particularly in the present state of public
64 affairs. However for my part my present inquiry is not which system of philosophy is the truest but which is the most fully akin to the orator. Consequently let us dismiss the masters in question, without any derogatory comment, as they are excellent fellows and happy in their belief in their own happiness, and only let us warn them to keep to themselves as a holy secret, though it may be extremely true, their doctrine that it is not the business of a wise man to take part in politics—for if they convince us and all our best men of the truth of this they themselves will not be able to live the life of leisure which is their ideal.

65 XVIII. " Moreover, the Stoics, of whom I by no means disapprove, I nevertheless dismiss—and I do not fear their anger, because anger is quite unknown to them, and I am grateful to them for being the only one of all the schools that has pronounced eloquence to be a virtue and a form of wisdom. But clearly there is something in them that is quite out of keeping with the orator whom we are depicting: in the first place their assertion that all those who are not wise are slaves, brigands, enemies, madmen, and that all the same nobody is wise—yet it would be the height of folly to place a public meeting or the Senate or any assembly of people under the direction of a person who holds the view that not one of those
66 present is sane, or a citizen, or a free man. There is the further point that even the style of their discourse, though possibly subtle and undoubtedly penetrating, yet for an orator is bald, unfamiliar, jarring on the ear of the public, devoid of clarity, fullness

quo uti ad vulgus nullo modo possit; alia enim et bona et mala videntur Stoicis et ceteris civibus vel potius gentibus, alia vis 'honoris,' 'ignominiae,' 'praemii,' 'supplicii'—vere an secus nihil ad hoc tempus, sed ea si sequamur, nullam unquam rem dicendo expedire possimus.

67 Reliqui sunt Peripatetici et Academici, quanquam Academicorum nomen est unum, sententiae duae. Nam Speusippus Platonis sororis filius et Xenocrates qui Platonem audierat et qui Xenocratem Polemo et Crantor nihil ab Aristotele, qui una audierat Platonem, magnopere dissenserunt,[1] copia fortasse et varietate dicendi pares non fuerunt; Arcesilas primum qui Polemonem audierat ex variis Platonis libris sermonibusque Socraticis hoc maxime arripuit, nihil esse certi quod aut sensibus aut animo percipi possit; quem ferunt eximio quodam usum lepore dicendi aspernatum esse omne animi sensusque iudicium primumque instituisse—quanquam id fuit Socraticum maxime—non quid ipse sentiret ostendere sed contra id quod quisque se
68 sentire dixisset disputare. Hinc haec recentior Academia emanavit, in qua exstitit divina quadam celeritate ingenii dicendique copia Carneades; cuius ego etsi multos auditores cognovi Athenis, tamen auctores certissimos laudare possum et socerum meum

[1] *Lambinus:* dissensit.

and spirit, while at the same time of a character that makes it quite impossible to employ it in public speaking; for the Stoics hold a different view of good and bad from all their fellow-citizens or rather from all other nations, and give a different meaning to 'honour,' 'disgrace,' 'reward,' 'punishment'—whether correctly or otherwise does not concern us now, but if we were to adopt their terminology, we should never be able to express our meaning intelligibly about anything.

67 "There remain the Peripatetics and the Academics, though the latter are really two schools of thought under one name. For Plato's nephew Speusippus and his pupil Xenocrates and Xenocrates' pupils Polemo and Crantor did not seriously disagree on any point of opinion from Aristotle, their fellow-pupil under Plato, although possibly they were not his equals in fullness and variety of style; whereas Polemo's pupil Arcesilas, to begin with, selected for adoption from the various writings of Plato and the Socratic dialogues the dogma that nothing can be apprehended with certainty either by the senses or by the mind; and he is said to have employed a remarkably attractive style of discourse in rejecting mental and sensory judgement entirely and to have initiated the practice—an entirely Socratic one it is true—of not stating his own opinion but arguing against the
68 opinions put forward by everyone else. From this source descended the more recent Academy of our day, in which the almost inspired intellectual acumen and rhetorical fluency of Carneades have made him the leading figure; and though at Athens I got to know a number of his pupils, I myself nevertheless can recommend as entirely reliable authorities my

Scaevolam qui eum Romae audivit adolescens et Q. Metellum L. filium familiarem meum, clarissimum virum, qui illum a se adolescente Athenis iam affectum senectute multos dies auditum esse dicebat.

69 XIX. Haec autem, ut ex Apennino fluminum, sic ex communi sapientium iugo sunt doctrinarum facta divortia, ut philosophi tanquam in superum mare[1] defluerent Graecum quoddam et portuosum, oratores autem in inferum hoc Tuscum et barbarum, scopulosum atque infestum, laberentur, in quo etiam
70 ipse Ulysses errasset. Quare si hac eloquentia atque hoc oratore contenti sumus qui sciat aut negare oportere quod arguare aut si id non possis tum ostendere quod is fecerit qui insimuletur aut recte factum aut alterius culpa aut iniuria aut ex lege aut non contra legem aut imprudentia aut necessario, aut non eo nomine usurpandum quo arguatur, aut non ita agi ut debuerit ac licuerit; et, si satis esse putatis ea quae isti scriptores artis docent discere, quae multo tamen ornatius quam ab illis dicuntur et uberius explicavit Antonius—sed, si his contenti estis atque eis etiam quae dici voluistis a me, ex ingenti quodam oratorem immensoque campo in
71 exiguum sane gyrum compellitis. Sin veterem illum Periclem aut hunc etiam, qui familiarior nobis propter scriptorum multitudinem est, Demosthenem sequi

[1] *Kayser:* mare Ionium.

[a] Book II, §§ 104-113, 162-173.

father-in-law Scaevola, who in his youth heard Carneades at Rome, and my friend the distinguished Quintus Metellus, son of Lucius, who used to say that as a young man he heard him on many occasions at Athens when he was already showing signs of age.

Eloquence needs more than rhetorical theory.

69 XIX. "However, the streams of learning flowing from the common watershed of wisdom, as rivers do from the Apennines, divided in two, the philosophers flowing down into the entirely Greek waters of the Eastern Mediterranean with its plentiful supply of harbours, while the orators glided into the rocky and inhospitable Western seas of our outlandish Tuscany,
70 where even Ulysses himself lost his bearings. Consequently if we are contented with this degree of eloquence, and with the orator who knows that one must either deny the charge brought against one, or if one cannot do that then prove that the action of the accused party was either a right action, or due to someone else's fault or transgression, or legal, or not illegal, or inadvertent, or inevitable, or incorrectly designated in the charge, or that the proceedings being taken are irregular and illegal; and if you people think it sufficient to learn the instructions drawn up by your writers on the science of rhetoric, instructions nevertheless that have been expounded[a] by Antonius in a much more graceful and more copious form than they are enunciated by the authors in question—well, if you are content with these rules and also the ones you have desired me to state, you are making the orator abandon a vast, immeasurable plain and confine himself to quite a narrow circle.
71 If on the other hand you chose to follow the famous Pericles of old, or even our friend Demosthenes with whom his many writings have made us better ac-

vultis et si illam praeclaram et eximiam speciem oratoris perfecti et pulchritudinem adamastis, aut vobis haec Carneadia aut illa Aristotelia vis compre-
72 hendenda est. Namque, ut ante dixi, veteres illi usque ad Socratem omnem omnium rerum quae ad mores hominum, quae ad vitam, quae ad virtutem, quae ad rempublicam pertinebant cognitionem et scientiam cum dicendi ratione iungebant; postea dissociati, ut exposui, a Socrate[1] et deinceps a Socraticis item omnibus, philosophi eloquentiam despexerunt, oratores sapientiam, neque quidquam ex alterius parte tetigerunt nisi quod illi ab his aut ab illis hi mutuarentur; ex quo promiscue haurirent
73 si manere in pristina communione voluissent. Sed ut pontifices veteres propter sacrificiorum multitudinem tres viros epulones esse voluerunt, cum essent ipsi a Numa ut etiam illud ludorum epulare sacrificium facerent instituti, sic Socratici a se causarum actores et a communi philosophiae nomine separaverunt, cum veteres dicendi et intellegendi mirificam societatem esse voluissent.

74 XX. Quae cum ita sint, paululum equidem de me deprecabor, et petam a vobis ut ea quae dicam non de memet ipso sed de oratore dicere putetis. Ego enim sum is qui cum summo studio patris in pueritia

[1] *Müller:* Socrate diserti a doctis.

quainted, and if you have grown to love that glorious and supreme ideal, that thing of beauty, the perfect orator, you are bound to accept either the modern dialectic of Carneades or the earlier method of
72 Aristotle. For, as I said before, the older masters down to Socrates used to combine with their theory of rhetoric the whole of the study and the science of everything that concerns morals and conduct and ethics and politics; it was subsequently, as I have explained, that the two groups of students were separated from one another, by Socrates and then similarly by all the Socratic schools, and the philosophers looked down on eloquence and the orators on wisdom, and never touched anything from the side of the other study except what this group borrowed from that one, or that one from this; whereas they would have drawn from the common supply indifferently if they had been willing to remain in the partner-
73 ship of early days. But just as the old pontiffs owing to the vast number of sacrifices decided to have a Banquet Committee of three members, though they had themselves been appointed by Numa for the purpose among others of holding the great Sacrificial Banquet of the Games, so the followers of Socrates cut connexion with the practising lawyers and detached these from the common title of philosophy, although the old masters had intended there to be a marvellously close alliance between oratory and philosophy.

Value of oratory resumed: the orator needs wide culture;

74 XX. "This being so, I will enter a brief plea on my own behalf, and will beg you to believe that what I say is not said about myself personally but about the orator as such. For I myself am a person who, having been given by my father an extremely careful

doctus essem et in forum ingenii tantum quantum ipse sentio, non tantum quantum[1] forsitan vobis videar detulissem, non possim dicere me haec quae nunc complector perinde ut dicam discenda esse didicisse: quippe qui omnium maturrime ad publicas causas accesserim annosque natus unum et viginti nobilissimum hominem et eloquentissimum in iudicium vocarim—cui disciplina fuerit forum, magister usus et leges et instituta populi Romani mosque maiorum.
75 Paulum sitiens istarum artium de quibus loquor gustavi, quaestor in Asia cum essem, aequalem fere meum ex Academia rhetorem nactus Metrodorum illum de cuius memoria commemoravit Antonius; et inde decedens Athenis, ubi ego diutius essem moratus nisi Atheniensibus quod mysteria non referrent ad quae biduo serius veneram succensuissem; quare hoc quod complector tantam scientiam vimque doctrinae non modo non pro me sed contra me est potius —non enim quid ego sed quid orator possit disputo— atque hos omnes qui artes rhetoricas exponunt perridiculos; scribunt enim de litium genere et de prin-
76 cipiis et de narrationibus; illa vis autem eloquentiae tanta est ut omnium rerum, virtutum, officiorum

[1] *Ernesti:* quantum ipse.

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[a] C. Carbo, see Book I, § 40.
[b] Book II, § 360.

education in my youth, and having brought into public life an amount of talent of which I am myself conscious, although not the amount with which you perhaps credit me, cannot assert that I pursued the studies with which I am now dealing exactly in the manner in which I am going to say they ought to be pursued: inasmuch as I came forward as a public advocate at an extremely early age, and when only one and twenty conducted the impeachment of a very eloquent and very distinguished man,[a]—in fact public life was my education, and practical experience of the laws and institutions of the state and the
75 custom of the country was my schoolmaster. Though thirsty for those accomplishments of yours of which I am speaking I had only a small taste of them, having during my quaestorship in Asia secured the services of a professor of rhetoric from the Academy, a person of about the same age as myself, the great Metrodorus whose memory Antonius recalled[b]; and also on my way home from Asia, at Athens, where I should have made a longer stay if I had not been so angry with the authorities there for refusing to repeat the celebration of the mysteries, for which I had arrived two days late; and consequently the fact that I include in my treatment this extensive and important field of learning is not only not in my favour but rather tells against me—for my subject is not what I myself can achieve but what the orator as such can—and against these exponents of the science of rhetoric, who are exceedingly foolish persons, as they only write about the classification of cases and the elementary rules and the methods
76 of stating the facts; whereas eloquence is so potent a force that it embraces the origin and operation and

omnisque naturae quae mores hominum, quae animos, quae vitam continet originem, vim mutationesque teneat, eadem mores, leges, iura describat, rempublicam regat, omniaque ad quamcumque rem per-
77 tineant ornate copioseque dicat. In quo genere nos quidem versamur tantum quantum possumus, quantum ingenio, quantum mediocri doctrina, quantum usu valemus; neque tamen istis qui in una philosophia quasi tabernaculum vitae suae collocarunt multum sane in disputatione concedimus.

78 XXI. Quid enim meus familiaris C. Velleius afferre potest quam ob rem voluptas sit summum bonum, quod ego non copiosius possim vel tutari si velim vel refellere ex illis locis quos exposuit Antonius, hac dicendi exercitatione in qua Velleius est rudis, unusquisque nostrum versatus? Quid est quod aut Sext. Pompeius aut duo Balbi aut meus amicus qui cum Panaetio vixit M. Vigellius de virtute hominum[1] Stoici possint dicere, qua in disputatione ego his
79 debeam aut vestrum quisquam concedere? Non est enim philosophia similis artium reliquarum: nam quid faciet in geometria qui non didicerit? quid in musicis? aut taceat oportebit aut ne sanus quidem iudicetur; haec vero quae sunt in philosophia ingeniis eruuntur ad id quod in quoque verisimile est eliciendum acutis atque acribus eaque exercitata oratione poliuntur. Hic noster vulgaris orator, si minus erit

[1] *v.l.* homines: [hominum Stoici] *Kayser*.

developments of all things, all the virtues and duties, all the natural principles governing the morals and minds and life of mankind, and also determines their customs and laws and rights, and controls the government of the state, and expresses everything that concerns whatever topic in a graceful and flowing style.
77 In this field I for my part occupy myself to the best of my ability, and with such capacity as is supplied me by my natural talents, my limited studies and my practical experience; though all the same I really do not yield much ground in debate to those who have pitched their camp for their lifetime solely in this province of philosophy.

78 XXI. "For what proof can our friend Gaius Velleius bring to show that pleasure is the chief good, which I on my side am not able with greater fertility either to maintain if I choose or to rebut, by drawing on the arguments set out by Antonius, thanks to this practice in oratory in which Velleius is a tiro but every one of us an expert? For what is there that can be said on the subject of virtue by Stoics such as Sextus Pompeius or the two Balbi or my friend Marcus Vigellius who lived with Panaetius, to make it necessary either for me or for any one of
79 you to give ground to them in debate? For philosophy does not resemble the other sciences—for what good will a man be in geometry if he has not studied it? or in music? he will either have to hold his tongue or be set down as a positive lunatic; whereas the contents of philosophy are discovered by intellects of the keenest acumen in eliciting the probable answer to every problem, and the results are elaborated with practised eloquence. In this situation our popular orator, though perhaps in-

doctus, attamen in dicendo exercitatus, hac ipsa exercitatione communi istos quidem[1] verberabit neque
80 se ab eis contemni ac despici sinet; sin aliquis exstiterit aliquando qui Aristotelio more de omnibus rebus in utramque sententiam possit dicere et in omni causa duas contrarias orationes praeceptis illius cognitis explicare, aut hoc Arcesilae modo et Carneadis contra omne quod propositum sit disserat, quique ad eam rationem adiungat hunc usum[2] exercitationemque dicendi, is sit[3] verus, is perfectus, is solus orator. Nam neque sine forensibus nervis satis vehemens et gravis nec sine varietate doctrinae
81 satis politus et sapiens esse orator potest. Quare Coracem istum veterem[4] patiamur nos quidem pullos suos excludere in nido qui evolent clamatores odiosi ac molesti, Pamphilumque nescio quem sinamus in infulis tantam rem tanquam pueriles delicias aliquas depingere, nosque ipsi hac tam exigua disputatione hesterni et hodierni diei totum oratoris munus explicemus, dummodo illa res tanta sit ut omnibus philosophorum libris, quos nemo[5] istorum unquam attigit, comprehensa esse videatur.

82 XXII. Tum Catulus: Haudquaquam hercle, inquit, Crasse, mirandum est esse in te tantam dicendi vel vim vel suavitatem vel copiam; quem

[1] *Ernesti:* quidem nostros (quidem doctos *Sorof*).
[2] *Edd.:* hunc rhetoricum usum moremque.
[3] is erit *Bakius*.
[4] *Bakius:* vestrum.
[5] *Ellendt:* nemo oratorum.

[a] See Book I, § 91.
[b] Quintilian iii. 6. 34 mentions a rhetorician of this name. The exact nature of his *memoria technica* here alluded to it does not seem possible to discover. Reid thinks *deliciae* means 'pets,' because Catullus uses the word of Lesbia's sparrow.

adequately schooled, having nevertheless had experience in speaking, will anyway be enabled merely by that ordinary experience to give those persons a sound drubbing, and will not allow them to despise
80 and look down on him; whereas if there has really ever been a person who was able in Aristotelian fashion to speak on both sides about every subject and by means of knowing Aristotle's rules to reel off two speeches on opposite sides on every case, or in the manner of Arcesilas and Carneades argue against every statement put forward, and who to that method adds the experience and practice in speaking indicated, he would be the one and only true and perfect orator. For an orator cannot have sufficient cogency and weight if he lacks the vigour that public speaking demands, and cannot be adequately polished and profound if he lacks width of
81 culture. Consequently let us for our part allow your old Mr. Raven[a] to hatch out his own chicks in the nest, so that they may fly abroad as annoying and tiresome bawlers, and permit some Pamphilus[b] or other to sketch out a subject of this importance on his tapes, like a nursery game, and let us for our part within the narrow limits of the debate of yesterday and to-day unfold the function of the orator in its entirety, provided it be granted that the subject is so extensive that it might be supposed to fill all the volumes of the philosophers, books which none of those gentlemen have ever had in their hands."

82 XXII. Catulus then said: "I declare, Crassus, it is not in the least surprising that you possess so forcible and attractive and fluent a style of speaking.

but his studies must be limited to their practical object.

quidem antea natura rebar ita dicere ut mihi non solum orator summus sed etiam sapientissimus homo viderere: nunc intellego illa te semper etiam potiora duxisse quae ad sapientiam spectarent atque ex his hanc dicendi copiam fluxisse. Sed tamen cum omnes gradus aetatis recordor tuae cumque vitam tuam ac studia considero, neque quo tempore ista didiceris video nec magnopere te istis studiis, hominibus, libris intellego deditum. Neque tamen possum statuere utrum magis mirer te illa quae mihi persuades maxima esse adiumenta potuisse in tuis tantis occupationibus perdiscere, an, si non potueris, posse isto modo dicere.

83 Hic Crassus: Hoc tibi, inquit, Catule, primum persuadeas velim, me non multo secus facere cum de oratore disputem ac facerem si esset mihi de histrione dicendum. Negarem enim posse eum satis facere in gestu nisi palaestram, nisi saltare didicisset: neque ea cum dicerem me esse histrionem necesse esset, sed fortasse non stultum alieni artificii existi-
84 matorem. Similiter nunc de oratore vestro impulsu loquor, summo scilicet, semper enim, quacumque de arte aut facultate quaeritur, de absoluta et perfecta quaeri solet. Quare si iam me vultis esse oratorem,

In fact even before this I used to think you had natural gifts as a speaker which made me consider you not merely a consummate orator but also an accomplished philosopher, but now I realize that you have always thought matters relating to philosophy more important, and that these are the source from which this oratorical fluency has been derived. But all the same when I recall all the stages of your career, and when I contemplate your life and pursuits, I cannot see at what period you learnt the facts in question and I do not observe that you have paid any considerable attention to those studies or persons or books. And nevertheless I am unable to decide whether I am more surprised at your having been able among all your occupations to familiarize yourself with the subjects which you assure me constitute very valuable auxiliaries, or at your ability to speak as you do if you have not been able to do so."

83 "In the first place, Catulus," rejoined Crassus, "I do wish you would assure yourself that I do not take a very different line when I am discussing the orator from the line I should take if I had to speak about the actor. For I should assert it to be impossible for him to come up to the mark in point of gesture if he had not had lessons in wrestling and in dancing; and in saying this I should not need to be an actor myself, but perhaps a not quite incompetent critic
84 of an accomplishment that was not my own. The same applies now when at your instigation I am talking about the orator—the ideal orator, I assume, as whatever science or accomplishment is under examination, it is customary to examine a finished and perfect specimen of it. Consequently if on the present occasion you will have it that I am myself an

si etiam sat bonum, si bonum denique, non repugnabo; quid enim nunc sim ineptus? ita me existimari scio. Quod si ita est, summus tamen certe non sum; neque enim apud homines res est ulla difficilior neque maior neque quae plura adiumenta doctrinae desideret.
85 Attamen quoniam de oratore nobis disputandum est, de summo oratore dicam necesse est; vis enim et natura rei nisi perfecta ante oculos ponitur, qualis et quanta sit intellegi non potest. Me autem, Catule, fateor neque hodie in istis libris et cum istis hominibus vivere, nec vero, id quod tu recte commeministi, ullum unquam habuisse sepositum tempus ad discendum, ac tantum tribuisse doctrinae temporis quantum mihi puerilis aetas, forenses feriae concesserint.

86 XXIII. Ac, si quaeris, Catule, de doctrina ista quid ego sentiam, non tantum ingenioso homini et ei qui forum, qui curiam, qui causas, qui rempublicam spectet opus esse arbitror temporis quantum sibi ei sumpserunt quos discentes vita defecit. Omnes enim artes aliter ab eis tractantur qui eas ad usum transferunt, aliter ab eis qui ipsarum artium tractatu delectati nihil in vita sunt aliud acturi. Magister hic Samnitium summa iam senectute est et quo-

orator, and even that I am a fairly good or even a good orator, I will raise no objection; for what need is there here for affecting modesty? I know this is what is thought of me. But though this is the case, all the same it is certain that I am not a supremely good orator; for in fact there is nothing in human life which is more difficult or bulks larger
85 or which requires more subsidiary training. And nevertheless, as our debate is to be about the orator, I am bound to speak of the supreme orator; for it is impossible to understand the character and magnitude of a thing's essential nature unless a perfect specimen of it is set before our eyes. For my own part however, Catulus, I confess that nowadays I do not pass my life among the books and in company with the persons in question, and moreover, as you have correctly recalled, that I have never had any time set apart for study, and have only given so much time to the acquisition of knowledge as was allowed me by my boyhood and by holidays from public business.

86 XXIII. "Moreover, Catulus, if you ask me my personal opinion as to the study in question, I do not think that a person of ability, and acquainted at first hand with public life and procedure in parliament and the law-courts, requires as much time as has been taken for themselves by those who have spent the whole term of their life in study. For all branches of knowledge are handled by those who apply them to practice in a different manner from that in which they are handled by those who take their pleasure in the pursuit of the sciences themselves and have no intention of following any other career. Our trainer of gladiators here has now reached extreme old age and practises every day, as it is his only

tidie commentatur; nihil enim curat aliud: at Q. Velocius puer addidicerat, sed quod erat aptus ad illud totumque cognorat, fuit, ut est apud Lucilium,

Quamvis bonus ipse
Samnis in ludo, ac rudibus cuivis satis asper;

sed plus operae foro tribuebat, amicis, rei familiari. Valerius quotidie cantabat; erat enim scenicus: quid
87 faceret aliud? at Numerius Furius noster familiaris cum est commodum cantat; est enim paterfamilias, est eques Romanus; puer didicit quod discendum fuit. Eadem ratio est harum artium maximarum; dies et noctes virum summa virtute et prudentia videbamus philosopho cum operam daret, Q. Tuberonem; at eius avunculum vix intellegeres id agere, cum ageret tamen, Africanum. Ista discuntur facile si et tantum sumas quantum opus sit et habeas qui docere fideliter possit et scias ipse etiam discere.
88 Sed si tota vita nihil velis aliud agere, ipsa tractatio et quaestio cotidie ex se gignit aliquid quod cum desidiosa delectatione vestiges. Ita fit ut agitatio rerum sit infinita, cognitio facilis, si usus doctrinam confirmet, mediocris opera tribuatur, memoria studiumque permaneat. Libet autem semper discere: ut si velim ego talis optime ludere aut pilae studio tenear, etiam fortasse si assequi non possim; at alii

[a] *Remains of Old Latin* (L.C.L.), iii. pp. 58 f., Marx, *Lucilius* 1283-1284.

interest in life: whereas Quintus Velocius had only had fencing as one of his lessons in boyhood, but having a natural capacity for it and having gone through the whole course he was in Lucilius's words

Himself as good a fencer as you please,
A tough match with the foils for any man—[a]

but he devoted more of his attention to public life and to his friends and his estate. Valerius used to sing
87 every day, and naturally so, being a professional; but our friend Numerius Furius sings when it suits him, for he is a head of a household and a Knight of Rome; he learnt what was necessary when he was a boy. The same is the case in regard to these master sciences: we used to see that excellent and sagacious gentleman, Quintus Tubero, occupied with his professor for whole days and nights, whereas one would scarcely guess that his uncle Africanus was engaged in study at all, when nevertheless he actually was so occupied. The subjects in question are easily learnt if one only takes up so much of them as one really needs and if one has a reliable tutor and also knows
88 how to study by himself. But if one wants to devote the whole of one's life to study and to nothing else, the actual process of investigation every day produces spontaneously some question for one to follow up with leisurely delight. The consequence is that the pursuit of facts is unlimited, and their acquisition easy if study is reinforced by practice and a moderate amount of diligence is bestowed on it, and if memory and interest endure. However to learn a thing is always amusing—for instance if I took a fancy to excel at playing dice or were a devotee of tennis, even though possibly unable to achieve

quia praeclare faciunt vehementius quam causa
postulat delectantur, ut Titius pila, Brulla talis.
89 Quare nihil est quod quisquam magnitudinem artium
ex eo quod senes discunt pertimescat, namque aut
senes ad eas accesserunt, aut usque ad senectutem
in studiis detinentur, aut sunt tardissimi. Res
quidem se mea sententia sic habet ut, nisi quod
quisque cito potuerit, nunquam omnino possit per-
discere.

90 XXIV. Iam, iam, inquit Catulus, intellego, Crasse, quid dicas; et hercule assentior. Satis video tibi homini ad perdiscendum acerrimo ad ea cognoscenda quae dicis fuisse temporis.

Pergisne, inquit Crassus, me quae dicam de me, non de re putare dicere? Sed iam, si placet, ad instituta redeamus.

Mihi vero, Catulus inquit, placet.

91 Tum Crassus: Quorsum igitur haec spectat, in-
quit, tam longa et tam alte repetita oratio? Hae
duae partes quae mihi supersunt illustrandae ora-
tionis ac totius eloquentiae cumulandae, quarum
altera dici postulat ornate, altera apte, hanc habent
vim, ut sit quam maxime iucunda, quam maxime in
sensus eorum qui audiunt influat, et quam plurimis
92 sit rebus instructa. Instrumentum autem hoc fo-
rense, litigiosum, acre, tractum ex vulgi opinionibus

[a] See § 37.

success; but other men, because they are distin-
guished performers, take a keener delight in such
amusements—for instance Titius in tennis and Brulla
89 in dice—than the situation demands. Consequently
nobody need be afraid of the magnitude of the sciences
on the ground that old men are studying them, for
either they have come to them in old age, or their
interest in their studies has lasted on to old age, or
they are very slow learners. In fact my view of the
situation is that unless a man is able to learn a subject
quickly he will never be able to learn it thoroughly
at all."

90 XXIV. "At last," said Catulus, "at last I take your meaning, Crassus; and I vow I agree with you. It is clear enough to me that you as an extremely keen and thorough student have had enough time to get to know the things that you are saying."

"Do you persist in thinking," said Crassus, "that what I am saying refers to myself and not to the fact of the matter? But now if you please let us go back to our subject."

"Why certainly," said Catulus.

The requisites of oratory continued: (3) ornament and (4) appropriateness of style.

91 Crassus proceeded: "Well then, what is the pur-
port of this long and recondite discourse? The two
divisions[a] of the subject of beauty of style and com-
plete elaboration of oratory that now remain to me,
one the requirement that the language should be
ornate and the other that it should be appropriate,
amount to this, that the style must be in the highest
possible degree pleasing and calculated to find its
way to the attention of the audience, and that it must
92 have the fullest possible supply of facts. But the
stock of ideas employed in our ordinary public life
of contention and criticism, derived as it is from

exiguum sane atque mendicum est; illud rursus ipsum quod tradunt isti qui profitentur se dicendi magistros non multum est maius quam illud vulgare ac forense: apparatu nobis opus est et rebus exquisitis undique et collectis, arcessitis, comportatis, ut tibi, Caesar, faciendum est ad annum, ut ego in aedilitate laboravi, quod quotidianis et vernaculis rebus satisfacere me posse huic populo non puta-
93 bam. Verborum eligendorum et collocandorum et concludendorum facilis est vel ratio vel sine ratione ipsa exercitatio; rerum est silva magna, quam cum Graeci iam non tenerent ob eamque causam iuventus nostra dedisceret paene discendo, etiam Latini, si dis placet, hoc biennio magistri dicendi exstiterunt; quos ego censor edicto meo sustuleram, non quo, ut nescio quos dicere aiebant, acui ingenia adolescentium nollem, sed contra ingenia obtundi nolui,
94 corroborari impudentiam. Nam apud Graecos, cuicuimodi essent, videbam tamen esse praeter hanc exercitationem linguae doctrinam aliquam et humanitate dignam scientiam,[1] hos vero novos magistros nihil intellegebam posse docere nisi ut auderent; quod etiam cum bonis rebus coniunctum per se ipsum est magnopere fugiendum: hoc cum

[1] *Lambinus:* humanitatem dignam scientia.

the notions of the common people, is an altogether meagre and beggarly affair; and again even the style imparted by your professional teachers of rhetoric is not on much larger lines than the popular oratory of the courts; whereas what we require is elaboration, and the accumulation and acquisition from all sources of a collection of recondite topics, which will be your task, Caesar, in a year's time,[a] and which was my own diligent occupation when I was aedile, because I felt it was not possible for me to satisfy our public with the commonplaces of an
93 everyday style. There is no difficulty about the theory, or if you prefer the purely practical problem, of the choice of words and their position in sentences and combination to form periods; and there is a large stock of ideas, which were no longer kept to themselves by the Greeks, with the result that our young students virtually unlearned them in the process of learning them, so that in the last two years there actually arose, heaven help us! Latin professors of rhetoric; but these I had used my authority as censor to abolish by edict, my motive not being the one that was said to be attributed to me in certain quarters, unwillingness to let the rising generation sharpen their wits, but on the contrary I was unwilling for their wits to be blunted and their
94 conceit increased. For I was aware that whatever the demerits of the Greek professors, they did nevertheless possess some sort of system and knowledge not unworthy of the humanities, in addition to this practice in tongue-wagging, but so far as I could see these new masters had no capacity to teach anything except audacity, which even when combined with qualities of value is in itself to be carefully

[a] Caesar was now aedile elect.

unum traderetur et cum impudentiae ludus esset, putavi esse censoris ne longius id serperet providere.
95 Quanquam non haec ita statuo atque decerno ut desperem Latine ea de quibus disputavimus tradi ac perpoliri[1]: patitur enim et lingua nostra et natura rerum veterem illam excellentemque prudentiam Graecorum ad nostrum usum moremque transferri; sed hominibus opus est eruditis, qui adhuc in hoc quidem genere nostri nulli fuerunt; sin quando exstiterint, etiam Graecis erunt anteponendi.

96 XXV. Ornatur igitur oratio genere primum et quasi colore quodam et suco suo; nam ut gravis, ut suavis, ut erudita sit, ut liberalis, ut admirabilis, ut polita, ut sensus, ut dolores habeat quantum opus sit, non est singulorum articulorum: in toto spectantur haec corpore. Ut porro conspersa sit quasi verborum sententiarumque floribus, id non debet esse fusum aequabiliter per omnem orationem sed ita distinctum ut sint quasi in ornatu disposita quaedam insignia et
97 lumina. Genus igitur dicendi est eligendum quod maxime teneat eos qui audiant et quod non solum delectet sed etiam sine satietate delectet—non enim a me iam exspectari puto ut moneam ut caveatis ne

[1] perpoliri <posse> *Pearce.*

avoided, but as this was the only thing that they imparted, and as their school was a seminary of conceit, I decided that it was a censor's duty to take measures to prevent the movement from spreading
95 further. Albeit my verdict and judgement on this matter is not such as to make me give up hope of conveying the topics of our discussion with complete elegance of style, for the importation of the time-honoured and outstanding wisdom of the Greeks for our habitual employment is permitted both by language and by the nature of things; but it needs persons of advanced learning, of whom so far we have had none, at all events in this department; whereas if they do ever arise, they will deserve to rank above even the Greeks.

96 XXV. "Well then, the embellishment of oratory is achieved in the first place by general style and by a sort of inherent colour and flavour; for that it shall be weighty and pleasing and scholarly and gentlemanly and attractive and polished, and shall possess the requisite amount of feeling and pathos, is not a matter of particular divisions of the framework, but these qualities must be visible in the whole of the structure. But further, in order to embellish it with flowers of language and gems of thought, it is not necessary for this ornamentation to be spread evenly over the entire speech, but it must be so distributed that there may be brilliant jewels placed at various points as a sort of decoration. Rules for ornate style
97 Consequently it is necessary to choose the style of oratory best calculated to hold the attention of the audience, and not merely to give them pleasure but also to do so without giving them too much of it—for I do not imagine that you look to me

exilis, ne inculta sit vestra oratio, ne vulgaris, ne obsoleta: aliud quiddam maius et ingenia me hortantur vestra et aetates.

98 Difficile enim dictu est quaenam causa sit cur ea quae maxime sensus nostros impellunt voluptate et specie prima acerrime commovent, ab eis celerrime fastidio quodam et satietate abalienemur. Quanto colorum pulchritudine et varietate floridiora sunt in picturis novis pleraque quam in veteribus! quae tamen, etiamsi primo aspectu nos ceperunt, diutius non delectant, cum eidem nos in antiquis tabulis illo ipso horrido obsoletoque teneamur. Quanto molliores sunt et delicatiores in cantu flexiones et falsae voculae quam certae et severae! quibus tamen non modo austeri sed si saepius fiunt multitudo ipsa re-
99 clamat. Licet hoc videre in reliquis sensibus—unguentis minus diu nos delectari summa et acerrima suavitate conditis quam his moderatis, et magis laudari quod terram[1] quam quod crocum olere[2] videatur, in ipso tactu esse modum et mollitudinis et levitatis. Quin etiam gustatus, qui est sensus ex omnibus maxime voluptarius quique dulcitudine praeter ceteros sensus commovetur, quam cito id quod valde dulce est aspernatur ac respuit! quis potione uti aut cibo dulci diutius potest? cum utroque in genere ea quae leviter sensum voluptate moveant

[1] *Lambinus coll. Plin. N.H. xiii. 3. 4:* ceram.
[2] sapere *Lambinus coll. eodem loco.*

at this point for the warning to avoid an impoverished and uncultivated style, and expressions that are vulgar or out of date; your talents and also your ages demand from me something more important.

98 "For it is hard to say why exactly it is that the things which most strongly gratify our senses and excite them most vigorously at their first appearance, are the ones from which we are most speedily estranged by a feeling of disgust and satiety. How much more brilliant, as a rule, in beauty and variety of colouring are the contents of new pictures than those of old ones! and nevertheless the new ones, though they captivated us at first sight, later on fail to give us pleasure—although it is also true that in the case of old pictures the actual roughness and old-fashioned style are an attraction. In singing, how much more delightful and charming are trills and flourishes than notes firmly held! and yet the former meet with protest not only from persons of severe taste but, if used too often, even from the
99 general public. This may be observed in the case of the rest of the senses—that perfumes compounded with an extremely sweet and penetrating scent do not give us pleasure for so long as those that are moderately fragrant, and a thing that seems to have the scent of earth is more esteemed than one that suggests saffron; and that in touch itself there are degrees of softness and smoothness. Taste is the most voluptuous of all the senses and more sensitive to sweetness than the rest, yet how quickly even it dislikes and rejects anything extremely sweet! who can go on taking a sweet drink or food for a long time? whereas in both classes things that pleasurably affect the sense in a moderate degree most easily

100 facillime fugiant satietatem. Sic omnibus in rebus voluptatibus maximis fastidium finitimum est; quo hoc minus in oratione miremur, in qua vel ex poetis vel ex oratoribus possumus iudicare concinnam, distinctam, ornatam, festivam, sine intermissione, sine reprehensione, sine varietate, quamvis claris sit coloribus picta vel poesis vel oratio, non posse in delectatione esse diuturna. Atque eo citius in oratoris aut in poetae cincinnis ac fuco offenditur quod sensus in nimia voluptate natura non mente satiantur, in scriptis et in dictis non aurium solum sed animi
101 iudicio etiam magis infucata vitia noscuntur. XXVI.
Quare 'bene' et 'praeclare,' quamvis nobis saepe dicatur, 'belle,' et 'festive,' nimium saepe nolo; quanquam illa ipsa exclamatio 'non potest melius' sit velim crebra; sed habeat tamen illa in dicendo admiratio ac summa laus umbram aliquam et recessum, quo magis id quod erit illuminatum exstare
102 atque eminere videatur. Nunquam agit hunc versum
Roscius eo gestu quo potest:

> Nam sapiens virtuti honorem praemium, haud praedam petit—

sed abicit prorsus, ut in proximo

> Set[1] quid video? Ferro saeptus possidet sedes sacras—

incidat, aspiciat, admiretur, stupescat. Quid ille alter

[1] *Gruter:* proximos et.

100 escape causing satiety. Thus in all things the greatest pleasures are only narrowly separated from disgust; which makes this less surprising in the case of language, in which we can judge from either the poets or the orators that a style which is symmetrical, decorated, ornate and attractive, but that lacks relief or check or variety, cannot continue to give pleasure for long, however brilliantly coloured the poem or speech may be. And what makes the curls and rouge of the orator or poet jar upon us all the more quickly is, that whereas with the senses satiety in the case of excessive pleasure is an instinctive and not a deliberate reaction, in the case of writings and speeches faults of over-colouring are detected not only by the verdict of the ears but even more by that
101 of the mind. XXVI. Hence although we hope to
win a 'Bravo, capital!' as often as possible, I don't want too much of 'Very pretty, charming!'—albeit the actual ejaculation 'Couldn't be better!' is one I should like to hear frequently; but all the same, this applause in the middle of a speech and this unlimited praise had better have some shadow and background, to make the spot of high light appear to stand out
102 more prominently. When Roscius speaks the lines

> since for the wise
> Honour is valour's prize and not its prey,

he never uses the action at his command, but just throws them off, so that he can put his whole weight into the next lines—

> But what see I? A sword-girt warrior
> Seated within the sanctuary shrine!

—which he delivers with a stare of stupefied surprise. Again, how quietly and gently and with what little energy the other great actor gives the line

Quid petam praesidi?

quam leniter, quam remisse, quam non actuose! instat enim

O pater, o patria, o Priami domus!

in quo tanta commoveri actio non posset si esset consumpta superiore motu et exhausta. Neque id actores prius viderunt quam ipsi poetae, quam denique illi etiam qui fecerunt modos, a quibus utrisque summittitur aliquid, deinde augetur, extenuatur,
103 inflatur, variatur, distinguitur. Ita sit nobis igitur ornatus et suavis orator (nec tamen potest aliter esse) ut suavitatem habeat austeram et solidam, non dulcem atque decoctam. Nam ipsa ad ornandum praecepta quae dantur eiusmodi sunt ut ea quamvis[1] vitiosissimus orator explicare possit; quare, ut ante dixi, primum silva rerum[2] comparanda est, qua de parte dixit Antonius: haec formanda filo ipso et genere orationis, illuminanda verbis, varianda sententiis.

104 Summa autem laus eloquentiae est amplificare rem ornando, quod valet non solum ad augendum aliquid et tollendum altius dicendo sed etiam ad extenuandum atque abiciendum. XXVII. Id desideratur omnibus eis in locis quos ad fidem orationis faciendam adhiberi dixit Antonius, vel cum explanamus aliquid vel cum conciliamus animos vel cum

[1] *Ellendt*: quivis (quivis vel *Sorof*).
[2] *Wilkins*: rerum ac sententiarum.

[a] From Ennius's *Andromache* (*Remains*, i. pp. 250 f., Vahlen, *Ennius* 86). The sources of the preceding quotations are not known.

What succour shall I seek? [a]

For he presses on:

O father! O fatherland! O palace of Priam [b]!

—on which he could not work up such an energetic delivery if he had used up his whole supply of energy on the preceding gesture. Nor did the actors see this sooner than the poets themselves did, or indeed sooner than the composers of the musical accompaniments, for both poets and composers employ a definite fall in tone and then a rise, a sinking and a swell,
103 variations, pauses. Consequently while we secure that our orator shall have ornament and charm—though these qualities are necessarily his—at the same time his charm must be severe and substantial, not sweet and luscious. For the actual rules that are given as to decoration are of such a nature that any speaker, even the most defective, could apply them; consequently as I said before, one has to begin by accumulating a supply of matter, a department that Antonius has dealt with [c]; but the matter has to receive shape from the general texture and style of the speech, and to be embellished by the diction and given variety by reflexions.

104 "But the highest distinction of eloquence consists in amplification by means of ornament, which can be used to make one's speech not only increase the importance of a subject and raise it to a higher level, but also to diminish and disparage it. XXVII. This is requisite in all the lines of argument referred to by Antonius as employed to make a speech convincing, either when we are explaining something or winning

Methods of amplification.

[b] *Ibid.* Ennius, *Andromache* (*Remains*, i. pp. 250 ff.).
[c] See Bk. II, xvi., xxix. etc.

105 concitamus ; sed in hoc quod postremum dixi amplificatio potest plurimum, eaque una laus oratoris est[1] propria maxime. Etiam maior est[2] illa exercitatio quam extremo sermone instruxit Antonius (primo reiciebat), laudandi et vituperandi ; nihil est enim ad exaggerandam et amplificandam orationem accommodatius quam utrumque horum cumulatissime
106 facere posse. Consequentur etiam illi loci qui quanquam proprii causarum et inhaerentes in earum nervis esse debent, tamen quia de universa re tractari solent 'communes' a veteribus nominati sunt; quorum partim habent vitiorum et peccatorum acrem quamdam cum amplificatione incusationem aut querelam —contra quam dici nihil solet nec potest,—ut in depeculatorem, in proditorem, in parricidam, quibus uti confirmatis criminibus oportet, aliter enim ieiuni sunt atque inanes, alii autem habent deprecationem,
107 aut miserationem ; alii vero ancipites disputationes, in quibus de universo genere in utramque partem disseri copiose licet. Quae exercitatio nunc propria duarum philosophiarum de quibus ante dixi putatur, apud antiquos erat eorum a quibus omnis de rebus forensibus dicendi ratio et copia petebatur ; de vir-

[1] *Pearce :* est et. [2] Adhibenda etiam est *Sorof.*

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[a] The text here seems corrupt.
[b] Book II, §§ 43 ff., 342-349. [c] § 67.
[d] Wise men such as those mentioned in § 56.

105 sympathy or arousing emotion ; but it is in the last-mentioned field that amplification is most effective, and success in this is the one distinction that most specially marks the orator. Even more important[a] is the activity which Antonius dwelt on at the end of his discourse after putting it on one side at the beginning,[b] namely laudation and censure ; for nothing is more effective for the development and amplification of a speech than to be able to use both of these in the
106 fullest abundance. There will also follow the topics which, although they ought to be specially appropriate to the cases in hand and inherent in their essential structure, nevertheless from being normally employed in dealing with general questions have received from the old writers the designation of 'commonplaces' ; one set of these consists in a vigorous and fully developed attack or protest as to particular vices and offences—an attack usually left unanswered and indeed unanswerable—for instance charges of embezzlement or treachery or parricide, the employment of which must be supported by full proof of the accusations, as otherwise they fall quite flat, while others consist in the deprecation of such charges or
107 an appeal for mercy ; whereas others on the contrary are non-committal debates allowing copious arguments to be advanced both *pro* and *contra* in regard to the general question. The latter exercise is now considered the special province of the two schools of philosophy of which I spoke before,[c] but in early days it was the function of the persons[d] who used to be called on to furnish a complete line of argument and supply of matter for speeches on public affairs—the fact being that we orators are bound to possess the intelligence, capacity and skill to speak both *pro* and

tute enim, de officio, de aequo et bono, de dignitate, utilitate, honore, ignominia, praemio, poena similibusque de rebus in utramque partem dicendi animos
108 et vim et artem habere debemus. Sed quoniam de nostra possessione depulsi in parvo et eo litigioso praediolo relicti sumus et aliorum patroni nostra tenere tuerique non potuimus, ab eis, quod indignissimum est, qui in nostrum patrimonium irruperunt quod opus est nobis mutuemur.

109 XXVIII. Dicunt igitur nunc quidem illi qui ex particula parva urbis ac loci nomen habent et 'Peripatetici' philosophi aut 'Academici' nominantur, olim autem propter eximiam rerum maximarum scientiam a Graecis politici philosophi appellati universarum rerum publicarum nomine vocabantur, omnem civilem orationem in horum alterutro genere versari: aut de finita controversia[1] certis temporibus ac reis, hoc modo, placeatne a Carthaginiensibus captivos nostros redditis suis recuperari? aut infinite de universo genere quaerentis quid omnino de captivo statuendum sit? Atque horum superius illud genus 'causam' aut 'controversiam' appellant eamque tribus, lite aut deliberatione aut laudatione, definiunt; haec autem altera quaestio infinita et quasi proposita 'consulta-
110 tio' nominatur. Atque [hactenus loquuntur][2] etiam hac in instituendo divisione utuntur, sed ita, non ut iure aut iudicio, vi[3] denique recuperare amissam pos-

[1] definitae controversiae *Pearce.*
[2] *Kayser.* [3] *Madvig:* ut.

[a] *Quasi proposita* is a translation of θέσις.

contra on the topics of virtue, duty, equity and good, moral worth and utility, honour and disgrace, reward
108 and punishment, and like matters. But now we have been ousted from our own estate and left in occupation of a trifling little property, and that contested, and we who are the defenders of other people have been unable to hold and to safeguard our own possessions; so let us put our pride in our pocket and borrow what we need from those who have trespassed on our heritage.

109 XXVIII. "Well then, it is now asserted by the philosophers who are designated by names derived from a small section of the city or district 'Peripatetic' or 'Academic,' but who once upon a time owing to their exceptional knowledge of important affairs were styled by the Greeks 'political philosophers' and thus bore a title covering the entire field of public affairs—these now assert that the whole of political discourse is employed in one or other of these two departments: either on an issue limited by fixed dates and particular parties, thus—is it agreed to obtain restitution of our captured fellow-countrymen from the Carthaginians by returning theirs? or else, an unlimited inquiry about a general issue: what is the proper general rule and opinion about a prisoner of war? And of these two classes of problem they designate the former kind a 'case' or 'controversy,' and limit it to three occasions, a lawsuit, a debate or a panegyric; but the second class, propounding[a] an unlimited subject of inquiry, is
110 named a 'deliberation.' And they also employ the second division in establishing their system, but in such a manner as to appear not to be recovering a lost property by legal proceedings, in fact by force,

(a) As to general principles:

sessionem, sed ut [iure civili][1] surculo defringendo usurpare videantur. Nam illud alterum genus quod est temporibus, locis, reis definitum obtinent, atque id ipsum lacinia—nunc enim apud Philonem, quem in Academia maxime[2] vigere audio, etiam harum iam causarum cognitio exercitatioque celebratur—, alterum vero tantummodo in prima arte tradenda nominant et oratoris esse dicunt, sed neque vim neque naturam eius nec partes nec genera proponunt —ut praeteriri omnino fuerit satius quam attentatum deseri: nunc enim inopia reticere intelleguntur, tum iudicio viderentur.

111 XXIX. Omnis igitur res eamdem habet naturam ambigendi de qua quaeri et disceptari potest, sive in infinitis consultationibus disceptatur sive in eis causis quae in civitate et in forensi disceptatione versantur; neque est ulla quae non aut ad cognoscendi aut ad agendi vim rationemque referatur;
112 nam aut ipsa cognitio rei scientiaque perquiritur, ut virtus suamne propter dignitatem an propter fructus aliquos expetatur, aut agendi consilium exquiritur,
113 ut sitne sapienti capessenda respublica. Cognitionis autem tres modi, coniectura, definitio et, ut ita dicam, consecutio; nam quid in re sit coniectura quaeritur, ut illud, sitne in humano genere sapientia;

[1] *Ellendt.* [2] maxime *v.l. om.*

but asserting their claim to it by the formality of breaking off a twig. For they retain their hold upon the former of the two classes, the one limited by dates and places and parties, and this itself they hold on to merely by the fringe—for at the present time the study and practice of these cases also is pursued in the school of Philo, who I am told is in high esteem at the Academy—but the latter they only just mention when imparting the elements of their system, specifying it as belonging to the orator but not setting out its importance or nature nor its divisions and classes—so that it would have been more satisfactory for it to be passed over entirely than to be just touched on and then dropped; for as it is, their silence is interpreted as due to lack of matter, whereas in the other case it would have appeared to be deliberate.

Three lines of argument are available.

111 XXIX. "Accordingly every matter that can be the subject of inquiry and discussion involves the same kind of issue, whether the discussion falls in the class of abstract deliberations or of things within the range of political and legal debate; and there is none which has not for its object either the acquisition of know-
112 ledge or the performance of action; for the object of the inquiry is either the actual ascertainment and knowledge of a fact, for instance whether virtue is desired for its own intrinsic value or for the sake of some result, or else some principle of action, for instance whether it is proper for the wise man to
113 engage in politics. Now of acquiring knowledge there are three modes, inference, definition and thirdly what I may designate deduction: for we employ inference to discover the essential content of a thing, for instance supposing the question to

quam autem vim quaeque res habeat definitio explicat, ut si quaeratur quid sit sapientia; consecutio autem tractatur cum quid quamque rem sequatur inquiritur, ut illud, sitne aliquando mentiri
114 boni viri. Redeunt rursus ad coniecturam eamque in quattuor genera dispertiunt; nam aut quid sit quaeritur, hoc modo, naturane sit ius inter homines an[1] opinionibus; aut quae sit origo cuiusque rei, ut quod sit initium legum aut rerum publicarum; aut causa et ratio, ut si quaeratur cur doctissimi homines de maximis rebus dissentiant; aut de immutatione, ut si disputetur num interire virtus in homine aut num in vitium possit converti.

115 Definitionis autem sunt disceptationes, aut cum quaeritur quid in communi mente quasi impressum sit, ut si disseratur idne sit ius quod maximae parti sit utile; aut cum quid cuiusque sit proprium exquiritur, ut ornate dicere propriumne sit oratoris an id etiam aliquis praeterea possit; aut cum res distribuitur in partes, ut si quaeratur quot sint genera rerum expetendarum, ut sintne tria, corporis, animi, externarumque rerum; aut cum quae forma et quasi naturalis nota cuiusque sit describitur, ut si quaeratur avari species, seditiosi, gloriosi.

116 Consecutionis autem duo prima quaestionum

[1] an in *Wilkins*.

be, is wisdom an essential attribute of the human race? definition explains the force possessed by a particular thing, for instance it is asked, what is wisdom? while deduction is the procedure when we are investigating a particular thing's consequence, for instance, is it occasionally the duty of a good
114 man to tell a lie? Reverting to inference, they divide it into four classes, the question being either what actually exists, as for instance does justice exist between mankind by nature or is it merely a matter of opinion? or what is the origin of something, for example what is the source of law and government? or the cause and reason of things, for instance the question what causes the difference of opinion existing among very learned persons about matters of very great importance; or it deals with change, for instance the debate whether virtue can perish in a man or whether it can change into vice.

115 "Then disputes as to definition arise either on the question of what is the conviction generally prevalent, for instance supposing the point under discussion to be whether right is the interest of the majority; or on the question of the essential property of something, for instance is elegant speaking the peculiar property of the orator or is it also in the power of somebody beside; or when a thing is divided into parts, for instance if it is asked how many classes there are of things desirable, for example are there three, goods of the body, goods of the mind, external goods; or on the problem of defining the special form and natural mark of a particular thing, for instance supposing we are investigating the specific character of the miser, or the rebel, or the braggart.

116 "Under the head of deduction fall two main classes

genera ponuntur; nam aut simplex est disceptatio, ut si disseratur expetendane sit gloria, aut ex comparatione, laus an divitiae magis expetendae sint. Simplicium autem sunt tres modi: de expetendis fugiendisve rebus, ut expetendine honores sint, num fugienda paupertas; de aequo aut iniquo, ut aequumne sit ulcisci iniurias etiam propinquorum; de honesto aut turpi, ut hoc, sitne honestum gloriae
117 causa mortem obire. Comparationis autem duo sunt modi: unus cum idemne sit an aliquid intersit quaeritur, ut metuere et vereri, ut rex et tyrannus, ut assentator et amicus; alter cum quid praestet aliud alii quaeritur, ut illud, optimine cuiusque sapientes an populari laude ducantur. Atque eae quidem disceptationes quae ad cognitionem referuntur sic fere a doctissimis hominibus describuntur.

118 XXX. Quae vero referuntur ad agendum, aut in officii disceptatione versantur—quo in genere quid rectum faciendumque sit quaeritur, cui loco omnis virtutum et vitiorum est silva subiecta—aut in animorum aliqua permotione aut gignenda aut sedanda tollendave tractantur. Huic generi subiectae sunt cohortationes, obiurgationes, consolationes, miserationes, omnisque ad omnem animi motum et impulsio et, si ita res feret, mitigatio.

119 Explicatis igitur his generibus ac modis disceptationum omnium nihil sane ad rem pertinet si qua

of inquiry: either the question considered is a simple one, for instance if the debate is whether fame is desirable; or it involves a comparison—whether praise or wealth is the more desirable? Of simple questions there are three modes—concerning things to be desired or to be avoided, as whether honours are desirable, whether poverty is to be avoided; concerning right or wrong, as whether it is right to retaliate even for injuries done by relatives; and concerning the honourable and base, for instance the question, is it honourable to face death for the
117 sake of glory? Of comparison on the other hand there are two modes, one when it is asked whether two things—for example fear and reverence, king and tyrant, flatterer and friend—are the same or whether there is a difference between them, and the other when it is asked which of two things is preferable, for example, are wise men attracted by the approval of eminent individuals or by popular applause? This virtually is the classification made by persons eminent for learning of discussions as to matters of knowledge.

118 XXX. "Those referring to conduct either deal with the discussion of duty—the department that asks what action is right and proper, a topic comprising the whole subject of the virtues and vices—or are employed either in producing or in allaying or removing some emotion. This class comprises modes of exhortation, reproach, consolation, compassion and every method of exciting, and also, if so indicated by the situation, of allaying all the emotions.

(b) As to particular problems of conduct:

119 "Now therefore that we have explained these classes and modes of every form of discussion, it is obviously a matter of no consequence if our classi-

in re discrepavit ab Antoni divisione nostra partitio : eadem enim sunt membra in utriusque disputationibus, sed paulo secus a me atque ab illo partita ac distributa. Nunc ad reliqua progrediar meque ad meum munus pensumque revocabo. Nam ex illis locis quos exposuit Antonius omnia sunt ad quaeque genera quaestionum argumenta sumenda sed aliis generibus alii loci magis erunt apti ; de quo, non tam quia longum est quam quia perspicuum, dici nihil est necesse.

120 Ornatissimae sunt igitur orationes eae quae latissime vagantur et a singulari[1] controversia se ad
universi generis vim explicandam conferunt et convertunt, ut ei qui audiant natura et genere et universa
re cognita de singulis reis et criminibus et litibus
121 statuere possint. Hanc ad consuetudinem exercitationis vos adolescentes est cohortatus Antonius atque a minutis angustisque concertationibus ad omnem vim varietatemque vos disserendi traducendos putavit ; quare non est paucorum libellorum hoc munus, ut ei qui scripserunt de dicendi ratione arbitrati sunt, neque Tusculani atque huius ambulationis antemeridianae aut nostrae pomeridianae sessionis ; non enim solum acuenda nobis neque procudenda lingua est, sed onerandum complendumque pectus maximarum rerum et plurimarum suavitate, copia, varietate.

122 XXXI. Nostra est enim—si modo nos oratores, si in civium disceptationibus, si in periculis, si in

[1] *Kayser :* a privata ac a singulari (a privata *Sorof*).

fication has differed in any point from the divisions made by Antonius ; both our treatments of the subject contain the same component parts, but they have been somewhat differently divided and arranged by me and by him. I will now go on to the remaining subjects and will recall myself to the particular task assigned to me. For from the topics set out by Antonius all the arguments applicable to each class of problem have to be taken, but different topics will be more suitable for different classes ; however, nothing need be said about this, not so much because it is a lengthy matter as because it is obvious.

120 "Well then, the most ornate speeches are those which take the widest range and which turn aside from the particular matter in dispute to engage in an explanation of the meaning of the general issue, so as to enable the audience to base their verdict in regard to the particular parties and charges and actions in question on a knowledge of the nature and
121 character of the matter as a whole. The regular practice of this exercise has been urged upon you juniors by Antonius,[a] who thought it proper to lead you away from narrow pettifogging argumentation to the whole expanse and diversity of discourse ; and in consequence this is not a task to be performed by a few handbooks, as the authors of systems of rhetoric imagine, nor an occupation for a country holiday and for our morning walk or afternoon session in the colonnade ; for we require not merely to forge a sharp edge to our tongue, but to load and charge our mind with a delightful and plentiful variety of high matters in the greatest number.

How to apply general principles.

122 XXXI. "For to us belong—assuming that we are really orators, that is, persons competent to be re-

[a] Book II, §§ 133 ff.

deliberationibus publicis adhibendi auctores et principes sumus—nostra est, inquam, omnis ista prudentiae doctrinaeque possessio, in quam homines quasi caducam atque vacuam abundantes otio nobis occupatis involaverunt, atque etiam aut irridentes oratorem ut ille in Gorgia Socrates cavillantur aut aliquid de oratoris arte paucis praecipiunt libellis eosque rhetoricos inscribunt, quasi non illa sint propria rhetorum quae ab eisdem de iustitia, de officio, de civitatibus instituendis et regendis, de omni
123 vivendi ratione[1] dicuntur. Quae quoniam iam aliunde non possumus, sumenda sunt nobis ab eis ipsis a quibus expilati sumus; dummodo illa ad hanc civilem scientiam quo pertinent et quam intuentur transferamus, neque, ut ante dixi, omnem teramus in his discendis rebus aetatem, sed cum fontes viderimus, quos nisi qui celeriter cognorit nunquam cognoscet omnino, tum quotiescumque opus erit ex eis
124 tantum quantum res petet hauriamus—nam neque tam est acris acies in naturis hominum et ingeniis ut res tantas quisquam nisi monstratas possit videre, neque tanta tamen in rebus obscuritas ut eas non penitus acri vir ingenio cernat si modo aspexerit. In hoc igitur tanto tam immensoque campo cum liceat oratori vagari libere atque ubicumque con-

[1] *Bakius:* vivendi denique etiam de naturae ratione.

tained as leaders and principals in civil actions and criminal trials and public debates—to us, I say, belong the broad estates of wisdom and of learning, which having been allowed to lapse and become derelict during our absorption in affairs, have been invaded by persons too generously supplied with leisure, persons who actually either banter and ridicule the orator after the manner of Socrates in Plato's *Gorgias*, or else write a few little manuals of instruction in the art of oratory and label them with the title of *Rhetoric*—just as if the province of the rhetoricians did not include their pronouncements on the subjects of justice and duty and the constitution and government of states, in short, the entire field
123 of practical philosophy. As we can now no longer obtain these principles from elsewhere, we have to take them from the very persons who plundered us: only provided that we carry them over into the field of political science to which they belong and with which they are concerned, and, as I said before, avoid spending an entire lifetime in acquiring them, but after we have beheld the fountain-heads, which one who does not get to know them quickly will never get to know at all, then draw from these sources, whenever necessary, as much as the subject demands
124 —for mankind is not endowed by nature with such keenness of intellect that anyone can discern these great matters without having had them pointed out to him, nor all the same do they involve so much obscurity that a man of keen intelligence cannot see to the bottom of them, provided he has looked closely at them. Consequently as the orator has the liberty to roam freely in so wide and measureless a field and wherever he takes his stand to find himself on his

stiterit consistere in suo, facile suppeditat omnis
125 apparatus ornatusque dicendi; rerum enim copia
verborum copiam gignit, et si est honestas in rebus
ipsis de quibus dicitur, exsistit[1] naturalis quidam
splendor in verbis. Sit modo is qui dicet aut scribet
institutus liberaliter educatione doctrinaque puerili
et flagret studio et a natura adiuvetur et in universorum generum infinitis disceptationibus exercitatus ornatissimos scriptores oratoresque ad cognoscendum imitandumque delegerit, nae ille haud sane quemadmodum verba struat et illuminet a magistris istis requiret; ita facile in rerum abundantia ad orationis ornamenta sine duce natura ipsa, si modo est exercitata, labetur.[2]

126 XXXII. Hic Catulus: Di immortales! inquit,
quantam rerum varietatem, quantam vim, quantam
copiam, Crasse, complexus es quantisque ex angustiis
oratorem educere ausus es et in maiorum suorum
regno collocare! Namque illos veteres doctores
auctoresque dicendi nullum genus disputationis a se
alienum putasse accepimus semperque esse in omni
127 orationis ratione versatos; ex quibus Eleus Hippias
cum Olympiam venisset maxima illa quinquennali
celebritate ludorum, gloriatus est cuncta paene
audiente Graecia nihil esse ulla in arte rerum omnium

[1] *Wilkins*: exsistit ex re.
[2] *Bétolaud* (excitata labetur *Ellendt*): delabetur.

own ground, all the resources and embellishments
125 of oratory are readily available; for a full supply
of facts begets a full supply of words, and if the subjects discussed are themselves of an elevated character this produces a spontaneous brilliance in the language. Only let the intending speaker or writer, thanks to the training given by a liberal education in boyhood, possess a glowing enthusiasm as well as the assistance of good natural endowments, and, having had practice in the abstract discussions of general principles, have selected the most accomplished writers and orators for study and imitation: then of a certainty such a one will not have to come to your professors to be shown how to put words together and how to invest them with brilliance of style; so easily will nature of herself, if only she has received training, given a plentiful supply of matter, find her way without any guidance to the adornments of oratory."

The sophists rhetoric equally ambitious

126 XXXII. Here Catulus broke in: "Good heavens,"
he said, "what an enormous variety of important
considerations you have covered, Crassus, and out
of what narrow limitations you have been bold
enough to rescue the orator and elevate him to the
throne of his ancestors! For in the good old days,
as we are told, the professors and masters of rhetoric
considered no kind of discourse to lie outside their
province, and continually occupied themselves with
127 every system of oratory; one of them, Hippias of
Elis, visiting Olympia on the occasion of the quadrennial celebration of the famous games, boasted before an audience containing virtually the whole of Greece that there was not a single fact included in any system of encyclopaedic knowledge with which

quod ipse nesciret, nec solum has artes quibus
liberales doctrinae atque ingenuae continerentur,
geometriam, musicam, litterarum cognitionem et
poetarum, atque illa quae de naturis rerum, quae de
hominum moribus, quae de rebus publicis dicerentur
se tenere,[1] sed anulum quem haberet, pallium quo
amictus, soccos quibus indutus esset, se sua manu
128 confecisse. Scilicet nimis hic quidem est progressus,
sed ex eo ipso est coniectura facilis quantum sibi illi
ipsi oratores de praeclarissimis artibus appetierint
qui ne sordidiores quidem repudiarint. Quid de
Prodico Ceo, quid de Thrasymacho Chalcedonio,
de Protagora Abderita loquar? quorum unusquisque
plurimum ut[2] temporibus illis etiam de natura rerum
129 et disseruit et scripsit. Ipse ille Leontinus Gorgias
quo patrono, ut Plato voluit, philosopho succubuit
orator—qui aut non est victus unquam a Socrate
neque sermo ille Platonis verus est, aut si est victus,
eloquentior videlicet fuit et disertior Socrates et ut
tu appellas copiosior et melior orator—sed hic in illo
ipso Platonis libro de omni re quaecumque in disceptationem quaestionemque vocetur se copiosissime
dicturum esse profitetur; isque princeps ex omnibus
ausus est in conventu poscere qua de re quisque vellet
audire; cui tantus honos habitus est a Graecia, soli
ut ex omnibus Delphis non inaurata statua sed aurea
statueretur.

130 Sed hi quos nominavi multique praeterea summi

[1] se tenere *add. Campius.*
[2] ut *add. Campius.*

[a] The Sicilian professor of oratory who figures in Plato's *Gorgias* as arguing, against Socrates, that rhetoric is the supreme science.
[b] *Cf.* Book I, § 47.

he was not acquainted; and that he had not only
acquired the accomplishments that form the basis of
the liberal education of a gentleman, mathematics,
music, knowledge of literature and poetry, and
the doctrines of natural science, ethics and political
science, but had made with his own hand the ring
he had on, the cloak he was dressed in and the boots
128 he was wearing. No doubt Hippias went too far,
but the story of itself makes it easy for us to guess
how keen an appetite the orators of old had for the
most distinguished accomplishments, if they did not
spurn even the meaner ones. What shall I say about
Prodicus of Ceos or Thrasymachus of Chalcedon or
Protagoras of Abdera? each of whom both lectured
and wrote what was considering their period a great
129 amount on natural science as well. Even the famous
Gorgias[a] of Leontini, who according to Plato appeared as advocate for the orator when he lost
his case against the philosopher,—an adversary who
either in reality never was defeated by Socrates
and Plato's famous dialogue is untrue, or if defeated
he was, obviously Socrates was more eloquent and
fluent and, to use your own description,[b] a fuller
and better orator—well, Gorgias in the very volume
of Plato in question gives it out that he will speak
with exhaustive fullness on every subject brought
forward for discussion and investigation; and he was
the first of all persons who was bold enough in conference to ask what subject each of the party wished
to hear him speak on. And he was held in such
honour by Greece that to him alone of all men a
statue was erected at Delphi that was not gilt but
made of solid gold.

130 "But these whom I have named and many eminent

dicendi auctores uno tempore fuerunt: ex quibus intellegi potest ita se rem habere ut tu, Crasse, dicis, 'oratorisque' nomen apud antiquos in Graecia maiore
131 quadam vel copia vel gloria floruisse. Quo quidem magis dubito, tibine plus laudis an Graecis vituperationis esse tribuendum statuam: cum tu in alia lingua ac moribus natus occupatissima in civitate vel privatorum negotiis paene omnibus vel orbis terrae procuratione ac summi imperii gubernatione districtus tantam vim rerum cognitionemque comprehenderis, eamque omnem cum eius qui consilio et oratione in civitate valeat scientia atque exercitatione sociaris, illi nati in litteris ardentesque his studiis, otio vero diffluentes, non modo nihil acquisierint sed ne relictum quidem et traditum et suum conservaverint.

132 XXXIII. Tum Crassus: Non in hac, inquit, una, Catule, re sed in aliis etiam compluribus distributione partium ac separatione magnitudines sunt artium diminutae. An tu existimas, cum esset Hippocrates ille Cous, fuisse tum alios medicos qui morbis, alios qui vulneribus, alios qui oculis mederentur? num geometriam Euclide aut Archimede, num musicam Damone aut Aristoxeno, num ipsas litteras Aristophane aut Callimacho tractante tam discerptas fuisse ut nemo genus universum com-

authorities on oratory besides were all contemporaries; and they are evidence that what you say, Crassus, is the case—a larger or perhaps more famous list adorned the name of 'orator' in Greece
131 in the old days. This indeed makes me the more doubtful whether to decide that more praise is to be assigned to you or more blame to the Greeks; inasmuch as you who have another native language and were born under a different form of society, in spite of your dwelling in an extremely busy community and being engrossed in almost every sort of private business or else in the government of the entire world and the administration of a vast empire, have succeeded in acquiring and grasping so vast a range of facts, and have coupled with all this the knowledge and the practical activity of one whose wisdom and oratory give him influence in the state; whereas the Greeks, though born in a world of literature and enthusiasts for these studies, are yet demoralized by sloth and have not only made no further acquisitions but have not even preserved their own heritage that came down to them."

Great oratory avoids narrow specialization.

132 XXXIII. "That is not the only loss," Crassus rejoined, "but there are a great many others also that have been inflicted on the wide domain of science by its being split up into separate departments. Do you really suppose that in the time of the great Hippocrates of Cos there were some physicians who specialized in medicine and others in surgery and others in ophthalmic cases? or that mathematics in the hands of Euclid or Archimedes, or music with Damon or Aristoxenus, or even literature with Aristophanes or Callimachus were such entirely separate subjects that nobody embraced culture as a whole, but instead

plecteretur atque ut alius aliam sibi partem in qua
133 elaboraret seponeret? Equidem saepe hoc audivi de patre et de socero meo, nostros quoque homines qui excellere sapientiae gloria vellent omnia quae quidem tum haec civitas nosset solitos esse complecti. Meminerant illi Sex. Aelium; M'. vero Manilium nos etiam vidimus transverso ambulantem foro, quod erat insigne eum qui id faceret facere civibus omnibus consilii sui copiam; ad quos olim et ita ambulantes et in solio sedentes domi sic adibatur non solum ut de iure civili ad eos verum etiam de filia collocanda, de fundo emendo, de agro colendo, de omni denique aut officio aut negotio referretur.
134 Haec fuit P. Crassi illius veteris, haec Ti. Coruncani, haec proavi generi mei Scipionis prudentissimi hominis sapientia, qui omnes pontifices maximi fuerunt, ut ad eos de omnibus divinis atque humanis rebus referretur; eidemque et in senatu et apud populum et in causis amicorum et domi et militiae
135 consilium suum fidemque praestabant. Quid enim M. Catoni praeter hanc politissimam doctrinam transmarinam atque adventitiam defuit? num quia ius civile didicerat causas non dicebat? aut quia poterat dicere iuris scientiam neglegebat? At utroque in genere et laboravit et praestitit. Num propter hanc ex privatorum negotiis collectam gratiam tardior in republica capessenda fuit? Nemo

of that everybody chose for himself a different division
133 to work in? For my part I have often heard my own father and my wife's father say that our people too who desired to win high distinction in philosophy used to embrace all the subjects that at all events at that period were known in our country. They could recollect Sextus Aelius, while we have actually seen Manius Manilius walking across the forum, and the remarkable thing was that in doing this he was putting his wisdom at the service of all his fellow-citizens; and in old days persons resorted to these men both when they were going a walk as described and when seated in their chairs of state at home, not only to consult them on points of law but also about marrying off a daughter, buying a farm, tilling their estates,
134 and in short every sort of liability or business. Such was the wisdom of the old Publius Crassus, of Titus Coruncanius and of that most sagacious person Scipio, my wife's great-great-grandfather, all of whom were Supreme Pontiffs, that they were consulted about every kind of business, religious or secular; and what is more they proferred the services of their wisdom and loyalty in the Senate and the popular assembly, in their friends' lawsuits, at home and on
135 foreign service. For what did Marcus Cato lack except our present-day super-refinement of culture which we have imported from overseas? Did his study of the law cause him to refrain from appearing in court? did his ability as a pleader make him neglect the science of jurisprudence? No, he was an ardent worker in both fields, and won distinction in both. Did the influence thus acquired from doing the business of private clients make him backward in taking part in public life? No one had more influence in

apud populum fortior, nemo melior senator, idem facile optimus imperator; denique nihil in hac civitate temporibus illis sciri discive potuit quod ille non cum investigarit et scierit, tum etiam conscrip-
136 serit. Nunc contra plerique ad honores adipiscendos et ad rempublicam gerendam nudi veniunt atque inermes, nulla cognitione rerum, nulla scientia ornati. Sin aliquis excellit unus e multis, effert se si unum aliquid affert, aut bellicam virtutem et[1] usum aliquem militarem, quae sane nunc quidem obsoleverunt, aut iuris scientiam, ne eius quidem universi, nam pontificium quod est coniunctum nemo discit; aut eloquentiam, quam in clamore et in verborum cursu positam putant; omnium vero bonarum artium, denique virtutum ipsarum societatem cognationemque non norunt.

137 XXXIV. Sed ut ad Graecos referam orationem, quibus carere hoc quidem in sermonis genere non possumus—nam ut virtutis a nostris, sic doctrinae sunt ab illis exempla repetenda—septem fuisse dicuntur uno tempore qui 'sapientes' et haberentur et vocarentur: hi omnes praeter Milesium Thalen civitatibus suis praefuerunt. Quis doctior eisdem illis temporibus aut cuius eloquentia litteris instructior fuisse traditur quam Pisistrati? qui primus Homeri

[1] *Rackham:* aut.

the Assembly of the People, no one was a better member of the Senate, and at the same time he was also easily our most competent military commander—in fine there was nothing that at that period could possibly be known or learned that he had not studied and acquired, and, what is more,
136 written about. Nowadays on the contrary men usually come to the pursuit of office and to positions in the government quite naked and unarmed, not equipped with any acquaintance with affairs or knowledge. Or if a single one among many stands out as an exception, he is proud of himself if he brings to his duties a single qualification, either soldierly valour and some military experience—these no doubt being things that are quite out of date nowadays,—or knowledge of law—and not even then of the whole of the law, for nobody studies ecclesiastical law, which is connected with civil law,—or eloquence, which they fancy to consist in shouting and in a flow of words; but as for familiarity and kinship with the whole of the liberal sciences and in fine with the virtues themselves—this lies outside their ken.

The Greek statesmen were men of culture.

137 XXXIV. "But to bring round my discourse to the Greeks—with whom in this class of discussion at all events we cannot dispense, for just as we have to go to our fellow-countrymen for examples of virtue so we have to turn to the Greeks for models of learning—it is said that there existed seven persons at one time who were deemed and actually styled 'wise men'; all these excepting Thales of Miletus were the heads of their states. Who is recorded to have been wiser, at that same period, or better equipped with eloquence informed by learning than Pisistratus? He is said to have been the first person who arranged

libros confusos antea sic disposuisse dicitur ut nunc habemus. Non fuit ille quidem civibus suis utilis, sed ita eloquentia floruit ut litteris doctrinaque prae-
138 staret. Quid Pericles? de cuius dicendi copia sic accepimus ut, cum contra voluntatem Atheniensium loqueretur pro salute patriae severius, tamen id ipsum quod ille contra populares homines diceret populare omnibus et iucundum videretur: cuius in labris veteres comici, etiam cum illi male dicerent —quod tum Athenis fieri licebat—leporem habitasse dixerunt, tantamque in eo vim fuisse ut in eorum mentibus qui audissent quasi aculeos quosdam relinqueret. At hunc non clamator aliqui ad clepsydram latrare docuerat sed, ut accepimus, Clazomenius ille Anaxagoras, vir summus in maximarum rerum scientia: itaque hic doctrina, consilio, eloquentia excellens quadraginta annos praefuit Athenis
139 et urbanis eodem tempore et bellicis rebus. Quid Critias? quid Alcibiades? civibus[1] quidem suis non boni sed certe docti atque eloquentes nonne Socraticis erant disputationibus eruditi? Quis Dionem Syracusium doctrinis omnibus expolivit? non Plato? atque eum idem ille non linguae solum verum etiam animi ac virtutis magister ad liberandam patriam impulit, instruxit, armavit. Aliisne igitur

[1] *Warmington:* civitatibus.

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[a] *Πειθώ τις ἐπεκάθιζεν ἐπὶ τοῖς χείλεσιν·*
οὕτως ἐκήλει καὶ μόνος τῶν ῥητόρων
τὸ κέντρον ἐγκατέλειπε τοῖς ἀκροωμένοις.
Eupolis fr. 94.

the previously disordered books of Homer in the order in which now we have them. Pisistratus it is true did no service to his fellow-citizens, but he was so distinguished for his eloquence that he was an out-
138 standing figure in literature and learning. What of Pericles? as to whose oratorical powers we are told that although he used to speak with some degree of sternness in opposition to the wishes of the Athenians when the national safety required, nevertheless the very fact that he spoke against the popular leaders appeared to be popular and acceptable to everyone; and there was a saying[a] of the playwrights of the Old Comedy, even although they used to abuse him—which in those days was permitted at Athens—, that charm dwelt in his lips, and that he possessed so much force as to leave a sting in the minds of his hearers. But Pericles' teacher had not been some bawler giving lessons in vociferating against the clock, but, as we are told, it was the great Anaxagoras of Clazomenae, a man distinguished for his knowledge of the highest sciences; and consequently Pericles was eminent in learning, wisdom and eloquence, and for forty years was supreme at Athens both in politics and at the same time
139 in the conduct of war. What of Critias? and Alcibiades? these though not benefactors of their fellow-citizens were undoubtedly learned and eloquent; and did they not owe their training to the discussions of Socrates? Who put the final polish on the education of Dio of Syracuse in every department of learning? was it not Plato? and it was that same teacher not only of eloquence but also of wisdom and virtue who instigated Dio to win freedom for his native land and equipped him with weapons for the task. Were

artibus hunc Dionem instituit Plato, aliis Isocrates clarissimum virum Timotheum, Cononis praestantissimi imperatoris filium, summum ipsum imperatorem hominemque doctissimum? aut aliis Pythagoreus ille Lysis Thebanum Epaminondam, haud scio an summum virum unum omnis Graeciae? aut Xenophon Agesilaum aut Philolaus Archytam Tarentinum? aut ipse Pythagoras totam illam veterem Italiae Graeciam quae quondam Magna vocitata est?

140 Equidem non arbitror; XXXV. sic enim video, unam quamdam omnium rerum quae essent homine erudito dignae atque eo qui in republica vellet excellere fuisse doctrinam, quam qui accepissent, si eidem ingenio ad pronuntiandam[1] valuissent et se ad dicendum quoque non repugnante natura dedissent,

141 eloquentia praestitisse. Itaque ipse Aristoteles cum florere Isocratem nobilitate discipulorum videret quod[2] suas disputationes a causis forensibus et civilibus ad inanem sermonis elegantiam transtulisset, mutavit repente totam formam prope disciplinae suae versumque quemdam Philoctetae paulo secus dixit: ille enim turpe sibi ait esse tacere cum barbaros, hic autem cum Isocratem pateretur dicere; itaque ornavit et illustravit doctrinam illam omnem rerumque cognitionem cum orationis exercitatione coniunxit. Neque vero hoc fugit sapientissimum regem Philippum, qui hunc Alexandro filio doctorem

[1] *Rackham*: pronuntiandum.
[2] *Wilkins*: quod ipse.

[a] Αἰσχρὸν σιωπᾶν βαρβάρους δ' ἐᾶν λέγειν Plutarch, *adv. Colot.* 1108 B, perhaps from Euripides, *Philoctetes*.

[b] *Turpe esse tacere et Isocratem pati dicere* Quintilian iii. 1. 4, schol. *αἰσχρὸν σιωπᾶν Ἰσοκράτην δ' ἐᾶν λέγειν*.

any other subjects then employed by Plato for the education of Dio, or by Isocrates with the famous commander Conon's most distinguished son Timotheus, himself a consummate soldier and an erudite scholar? or by the great Pythagorean philosopher Lysis with Epaminondas of Thebes, perhaps the most outstanding figure in Greek history? or Xenophon with Agesilaus? or Philolaus with Archytas of Taranto? or Pythagoras himself with the whole of the old Greek district of Italy that in former times bore the name of Magna

140 Graecia? That is not my own opinion; XXXV. for what I observe is, that there was one particular course of education, including all the subjects worthy of a man of culture and of political ambition, which enabled persons who had received it, provided that they also had the talent enabling them to express it in words, and moreover had practised themselves in speaking and were not hampered by any natural incapacity,

141 to come to the front in oratory. Accordingly when Aristotle observed that Isocrates succeeded in obtaining a distinguished set of pupils by means of abandoning legal and political subjects and devoting his discourses to empty elegance of style, he himself suddenly altered almost the whole of his own system of training, and quoted a line from *Philoctetes* with a slight modification: the hero in the tragedy said that it was a disgrace for him to keep silent and suffer barbarians to speak,[a] but Aristotle put it 'suffer Isocrates to speak'[b]; and consequently he put the whole of his system of philosophy in a polished and brilliant form, and linked the scientific study of facts with practice in style. Nor indeed did this escape the notice of that extremely sagacious monarch Philip, who summoned Aristotle to be the tutor of

accierit, a quo eodem ille et agendi acciperet praecepta et loquendi.

142 Nunc sive qui volet, eum philosophum qui copiam nobis rerum orationisque tradat per me appellet oratorem licet, sive hunc oratorem quem ego dico sapientiam iunctam habere eloquentiae philosophum appellare malit, non impediam: dummodo hoc constet, neque infantiam eius qui rem norit sed eam explicare dicendo non queat, neque inscientiam illius cui res non suppetat, verba non desint, esse laudandam. Quorum si alterum sit optandum, malim equidem indisertam prudentiam quam stultitiam
143 loquacem; sin quaerimus quid unum excellat ex omnibus, docto oratori palma danda est. Quem si patiuntur eundem esse philosophum, sublata controversia est; sin eos diiungent, hoc erunt inferiores quod in oratore perfecto inest illorum omnis scientia, in philosophorum autem cognitione non continuo inest eloquentia; quae quamvis contemnatur ab eis, necesse est tamen aliquem cumulum illorum artibus afferre videatur.

Haec cum Crassus dixisset, parumper et ipse conticuit et ceteris silentium fuit.

144 XXXVI. Tum Cotta: Equidem, inquit, Crasse, non possum queri quod mihi videare aliud quid-

his son Alexander, and to impart to him the principles both of conduct and of oratory.

142 "At this stage I give full leave to anybody who wishes, to apply the title of orator to a philosopher who imparts to us an abundant command of facts and of language, or alternatively I shall raise no obstacle if he prefers to designate as a philosopher the orator whom I on my side am now describing as possessing wisdom combined with eloquence: only provided it be agreed that neither the tongue-tied silence of the man who knows the facts but cannot explain them in language, nor the ignorance of the person who is deficient in facts but has no lack of words, is deserving of praise. And if one had to choose between them, for my own part I should prefer wisdom lacking
143 power of expression to talkative folly; but if on the contrary we are trying to find the one thing that stands top of the whole list, the prize must go to the orator who possesses learning. And if they allow him also to be a philosopher, that is the end of the dispute; but if they keep the two separate, they will come off second best in this, that the consummate orator possesses all the knowledge of the philosophers, but the range of philosophers does not necessarily include eloquence; and although they look down on it, it cannot but be deemed to add a crowning embellishment to their sciences."

Even philosophers require style.

After saying this Crassus himself was silent for a space, and nothing was said by any of the others either.

144 XXXVI. Then Cotta spoke: "For my own part, Crassus," he said, "I cannot grumble at your having discussed a different subject, as it seems to me, and not

That orators need culture disputed.

dam et non id quod susceperis disputasse. Plus enim aliquanto attulisti quam tibi esset tributum a nobis ac denuntiatum; sed certe ut eae partes fuerunt tuae de illustranda oratione ut diceres, et eras ipse iam ingressus atque in quatuor partes omnem orationis laudem discripseras, cum de duabus[1] primis nobis quidem satis, sed, ut ipse dicebas, celeriter exigueque dixisses, duas tibi reliquas feceras, quemadmodum primum ornate, deinde etiam apte

145 diceremus; quo cum ingressus esses, repente te quasi quidam aestus ingenii tui procul a terra abripuit atque in altum a conspectu paene omnium abstraxit. Omnem enim rerum scientiam complexus non tu quidem eam nobis tradidisti, neque enim fuit tam exigui temporis, sed apud hos quid profeceris nescio, me quidem in Academiam totum compulisti. In qua velim sit illud quod saepe posuisti, ut non necesse sit consumere aetatem atque ut possit is illa omnia cernere qui tantummodo aspexerit: sed etiamsi est aliquanto[2] spissius aut si ego sum tardior, profecto nunquam conquiescam neque defatigabor ante quam illorum ancipites vias rationesque et pro omnibus et contra omnia disputandi percepero.

146 Tum Caesar: Unum, inquit, me ex tuo ser-

[1] *Kayser*: cumque duabus.
[2] *v.l.* aliquando.

[a] § 37.

the one that you undertook to discuss. For you have contributed considerably more than had been assigned to you and requisitioned by us; but assuredly, whereas you were cast for the part of speaking about stylistic embellishment, and you had actually started and had divided[a] the whole subject of excellence of style into four parts, although you had treated the first two of them (adequately, it is true, for the purpose of our investigation, but, as you yourself admitted, rapidly and on a small scale), you had left the two others still to be dealt with—the questions how we are to secure (*a*) elegance and (*b*) appropriate-

145 ness of style; and after starting on this, you were suddenly caught by the flood-tide of your genius and carried away from land out to deep sea, almost out of everybody's sight. For you embraced the whole of knowledge, and though it is true you did not convey it to us, which was indeed impossible in so short a space of time, nevertheless, although I do not know how you succeeded with our friends, in my own case anyway you forced me to come over entirely to the side of the Academy. And I should be glad to think that your frequent assertion holds good—that it is not indispensable to spend a lifetime in that school, and that it is possible to gain a complete purview of the system by a mere glance; but even if it is a considerably slower business than that, or if I myself am rather a slow-coach, unquestionably I shall never come to a standstill or give up from exhaustion before I have a full grasp of the school's twofold method and its system of arguing both *pro* and *contra* about every proposition."

146 "One thing in your discourse particularly struck me, Crassus," interposed Caesar, "your assertion that

mone maxime, Crasse, commovit, quod eum negasti qui non cito quid didicisset unquam omnino posse perdiscere: ut mihi non sit difficile periclitari et aut statim percipere ista quae tu verbis ad caelum extulisti, aut, si non potuerim, tempus non perdere, cum tamen his nostris possim esse contentus.

147 Hic Sulpicius: Ego vero, inquit, Crasse, neque Aristotelem istum neque Carneadem nec philosophorum quemquam desidero. Vel me licet existimes desperare ista posse perdiscere vel, id quod facio, contemnere; mihi rerum forensium et communium vulgaris haec cognitio satis magna est ad eam quam specto eloquentiam; ex qua ipsa tamen permulta nescio, quae tum denique cum causa aliqua quae a me dicenda est desiderat quaero. Quam ob rem nisi forte es iam defessus et si tibi non graves sumus, refer ad illa te quae ad ipsius orationis laudem splendoremque pertinent: quae ego ex te audire volui non ut desperarem me eloquentiam consequi posse sed ut aliquid addiscerem.

148 XXXVII. Tum Crassus: Pervulgatas res requiris, inquit, et tibi non incognitas, Sulpici; quis enim de isto genere non docuit, non instituit, non etiam scriptum reliquit? Sed geram morem et ea dumtaxat quae mihi nota sunt breviter exponam tibi; censebo tamen ad eos qui auctores et

a person who does not succeed in learning a thing quickly will never be able to learn it thoroughly at all; so that I need make no bones about trying my luck, and either fully grasping the principles you have extolled so highly at one stroke, or, if I prove unable, not wasting my time, as all the same I am quite able to rest content with these faculties that belong to our race."

147 Hereat Sulpicius said: "I on the contrary, Crassus, have no use for your Aristotle or Carneades or any other philosopher. You are welcome to assume either that I have no hope of being able to master those doctrines of yours or that I despise them—as in fact I do; but for my own part our ordinary acquaintance with legal and public affairs is extensive enough for the eloquence that I have in view; though even it contains a great deal that I do not know, and this I only look up when it is necessary for some case that I have to plead. Consequently, if you are not perhaps by this time tired out, and if we are not boring you, go back to the qualities that contribute to distinction and brilliance in oratory itself; which for my part I wanted to hear from you not in order to make me lose all hope of being able to attain eloquence myself, but for the purpose of adding to my stock of knowledge."

148 XXXVII. "The matters you inquire about are extremely familiar," rejoined Crassus, "and not unknown to yourself, Sulpicius; for who has not given lessons and even left essays on the branch of the subject you allude to? However, I will humour you by giving you a brief lecture on at all events the points that I am acquainted with; although my real opinion will be that the proper method is to go back

The ornate style in detail:

inventores sunt harum sane minutarum rerum re-
vertendum.
149 Omnis igitur oratio conficitur ex verbis, quorum
primum nobis ratio simpliciter videnda est, deinde
coniuncte; nam est quidam ornatus orationis qui ex
singulis verbis est, alius qui ex continuatis[1] constat.
Ergo utimur verbis aut eis quae propria sunt et certa
quasi vocabula rerum paene una nata cum rebus
ipsis; aut eis quae transferuntur et quasi alieno in
loco collocantur; aut eis quae novamus et facimus
150 ipsi. In propriis est igitur[2] illa laus oratoris ut ab-
iecta atque obsoleta fugiat, lectis atque illustribus
utatur in quibus plenum quiddam et sonans inesse
videatur. Sed in hoc verborum genere[3] delectus est
quidam habendus atque is aurium quodam iudicio
ponderandus: in quo consuetudo etiam bene lo-
151 quendi valet plurimum. Itaque hoc quod vulgo de
oratoribus ab imperitis dici solet, 'Bonis hic verbis,'
aut 'Aliquis non bonis utitur,' non arte aliqua per-
penditur sed quodam quasi naturali sensu iudicatur:
in quo non magna laus est vitare vitium, quanquam
id est magnum, verum hoc quasi solum quoddam
atque fundamentum est, verborum usus et copia
152 bonorum. Sed quid ipse aedificet orator et in quo
adiungat artem, id esse a nobis quaerendum[4] videtur.

XXXVIII. Tria sunt igitur in verbo simplici quae
orator afferat ad illustrandam atque exornandam

[1] *Kayser*: continuatis coniunctis.
[2] *v.l.* igitur verbis.
[3] *Kayser*: genere propriorum.
[4] *v.l.* quaerendum atque explicandum.

to those who on these undoubted niceties rank as
original authorities.
149 "Well then, all oratory is made up of words, and we (a) Vocabulary:
must examine the principle of these first when they
stand independently and then when in combination;
for grace of style is of two kinds, one derived from
the separate words and another from their combina-
tions. The words we employ then are either the
proper and definite designations of things, which
were almost born at the same time as the things
themselves; or terms used metaphorically and placed
in a connexion not really belonging to them; or new
150 coinages invented by ourselves. In the case of proper
words therefore it is the distinction of an orator to
avoid what is commonplace and hackneyed and to
employ select and distinguished terms that seem
to have some fullness and sonority in them. But in
this class of words a certain choice must be exercised,
and this choice must be weighed by a critical faculty
of ear—in which process the habit of speaking well
151 also has very great value. Consequently the common
remark of the ordinary layman about orators, 'A's
vocabulary is good' or 'B's vocabulary is not good,'
is not a definitely scientific judgement but a sort of
instinctive commonsense verdict; and in this depart-
ment it is no great distinction to avoid mistakes,
although that is important; the basic foundation is
the employment of a good and copious vocabulary.
152 But it appears that what we have to discover is, what
superstructure does the orator himself build, and in
what does he apply his skill?

XXXVIII. "There are then three things which the
orator contributes in the matter of mere vocabulary
towards the decoration and embellishment of his

orationem, aut inusitatum verbum aut novatum aut
153 translatum. Inusitata sunt prisca fere ac vetusta et ab usu quotidiani sermonis iamdiu intermissa; quae sunt poetarum licentiae liberiora quam nostrae, sed tamen raro habet etiam in oratione poeticum aliquod verbum dignitatem; neque enim illud fugerim dicere, ut Coelius, 'Qua tempestate Poenus in Italiam venit,' nec 'prolem,' aut 'sobolem,' aut 'effari,' aut 'nuncupare'; aut, ut tu soles, Catule, 'non rebar,' aut 'opinabar'; et alia multa quibus loco positis grandior atque antiquior oratio saepe
154 videri solet. Novantur autem verba quae ab eo qui dicit ipso gignuntur ac fiunt, vel coniungendis verbis, ut haec:

Tum pavor sapientiam omnem mihi exanimato expectorat.

et[1]

Num non vis huius me versutiloquas malitias . . . ?

—Videtis enim et 'versutiloquas' et 'expectorat' ex coniunctione facta esse verba, non nata; vel saepe[2] sine coniunctione verba novantur, ut ille 'senius desertus,' ut 'dii genitales,' ut 'bacarum ubertate incurvescere.'

155 Tertius ille modus transferendi verbi late patet; quem necessitas genuit inopia coacta et angustiis, post autem delectatio iucunditasque celebravit. Nam

[1] et *add. Warmington.*
[2] *v.l.* sed saepe vel.

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[a] From Ennius, *Alcmeo* (*Remains*, i. pp. 230 f., Vahlen, *Ennius, Scenica* 23).
[b] From an unknown tragedy.

style—rare words, new coinages, and words used
153 metaphorically. Rare words are usually archaisms which because of their antiquity have long passed out of use in everyday speech. These are more freely allowed to the licence of poets than to ourselves, but nevertheless on rare occasions even in oratory a poetic word has dignity. Indeed I should not be afraid to use Coelius's phrase 'what time the Carthaginian came into Italy,' nor the word 'offspring' or 'progeny,' or 'utter' or 'pronounce,' or your favourite expressions, Catulus, 'I did not deem' or 'I opined'; or many others that if used in the proper context often seem to have a way of adding — are words
154 grandeur and antiquity to the style. New coinages are words invented and created by the actual speaker, either by combining words together, like the instances: — new coinages,

Then fear from out my fainting consciousness
Outbosoms all wisdom[a]:

and

Surely thou would'st not have
This fellow's twisty-speaking artfulness[b] . . .

—for you all of you notice that the words 'twisty-speaking' and 'outbosoms' are artificial combinations and not a natural growth—; or often new words are coined without the use of combination, for instance the expression 'derelict oldster,' or 'genital gods,' or 'to crookbow with their plenteous load of berries.'

155 "The third method in our list, the use of metaphor, is of wide application; it sprang from necessity due to the pressure of poverty and deficiency, but it has been subsequently made popular by its agreeable and entertaining quality. For just as clothes were first — metaphors.

ut vestis frigoris depellendi causa reperta primo, post adhiberi coepta est ad ornatum etiam corporis et dignitatem, sic verbi translatio instituta est inopiae causa, frequentata delectationis. Nam 'gemmare vites,' 'luxuriem esse in herbis,' 'laetas esse segetes' etiam rustici dicunt. Quod enim declarari vix verbo proprio potest, id translato cum est dictum, illustrat id quod intellegi volumus eius rei quam alieno verbo
156 posuimus similitudo. Ergo hae translationes quasi mutuationes sunt, cum quod non habeas aliunde sumas; illae paulo audaciores quae non inopiam indicant sed orationi splendoris aliquid arcessunt: quarum ego quid vobis aut inveniendi rationem aut
157 genera exponam ?[1] XXXIX. [Similitudinis est ad verbum unum contracta brevitas, quod verbum in alieno loco tanquam in suo positum si agnoscitur, delectat, si simile nihil habet, repudiatur.][2] Sed ea transferri oportet quae aut clariorem faciunt rem, ut illa[3] :

Inhorrescit mare,
Tenebrae conduplicantur, noctisque et nimbum occaecat nigror,
Flamma inter nubes coruscat, caelum tonitru contremit,
Grando mixta imbri largifluo subita praecipitans cadit,
Undique omnes venti erumpunt, saevi exsistunt turbines;
Fervit aestu pelagus. . . .

—omnia fere quo essent clariora translatis per simi-

[1] *Rackham*: ponam.
[2] *Sorof.*
[3] *Ellendt*: illa omnia.

[a] This irrelevant explanation of the difference between a simile and a metaphor is clearly an interpolation.

[b] Also quoted *De Div.* i. 24, as from Pacuvius—perhaps his *Dulorestes* or his *Teucer*. *Cf. Remains*, ii. pp. 294 f., Ribbeck 411. The metaphors here are in the verbs.

invented to protect us against cold and afterwards began to be used for the sake of adornment and dignity as well, so the metaphorical employment of words was begun because of poverty, but was brought into common use for the sake of entertainment. For even country people speak of 'jewelled vines,' 'luxurious herbage,' 'joyful harvests.' The explanation is that when something that can scarcely be conveyed by the proper term is expressed metaphorically, the meaning we desire to convey is made clear by the resemblance of the thing that we have expressed by
156 the word that does not belong. Consequently the metaphors in which you take what you have not got from somewhere else are a sort of borrowing; but there is another somewhat bolder kind that do not indicate poverty but convey some degree of brilliance to the style. However there is no need for me to give you a lecture on the method of inventing these
157 or on their classification. XXXIX. [[a]A metaphor is a short form of simile, contracted into one word; this word is put in a position not belonging to it as if it were its own place, and if it is recognizable it gives pleasure, but if it contains no similarity it is rejected.] But only such metaphors should be used as either make the meaning clearer, as for instance the following[b] :

A shivering takes the sea,
Darkness is doubled, and the murk of night
And stormclouds blinds the sight, flame 'mid the clouds
Quivers, the heavens shudder with thunderclaps,
A sudden hail with bounteous rain commingled
Falls headlong, all the winds from every quarter
Burst forth, and savage whirlwinds rise; the sea
Surges and boils. . . .

—to make them clearer almost all the details are

158 litudinem verbis dicta sunt—, aut quo significatur magis res tota sive facti alicuius sive consilii, ut ille qui occultantem consulto ne id quod ageretur intellegi posset duobus translatis verbis similitudine ipsa indicat :

Quandoquidem is se circumvestit dictis sepit se dolo.

Nonnunquam etiam brevitas translatione conficitur, ut illud ' Si telum manu fugit ' : imprudentia teli emissi brevius propriis verbis exponi non potuit quam est uno significata translato.

159 Hoc in genere persaepe mihi admirandum videtur quid sit quod omnes translatis et alienis magis delectantur verbis quam propriis et suis. XL. Nam si res suum nomen et proprium vocabulum non habet, ut 'pes' in navi, ut 'nexum' quod per libram agitur, ut in uxore 'divortium,' necessitas cogit quod non habeas aliunde sumere; sed in suorum verborum maxima copia tamen homines aliena multo magis, si sunt
160 ratione translata, delectant. Id ideo[1] accidere credo vel quod ingenii specimen est quoddam transilire ante pedes posita et alia longe repetita sumere ; vel quod is qui audit alio ducitur cogitatione neque tamen

[1] ideo *add. Rackham.*

[a] Probably from Accius, perhaps his *Armorum Iudicium*, or else his *Antigone*, as the line suggests Sophocles, *Ant.* 241 εὖ γε στοχάζει κἀποφράγνυσαι κύκλῳ τὸ πρᾶγμα.

[b] Law as to homicide in *The Twelve Tables* (*Remains*, iii. pp. 492 f.).

expressed by metaphors based upon resemblance—,
158 or such as better convey the whole meaning of the matter, whether it consists in an action or a thought, like the man in the play who by means of two words used metaphorically indicates by mere resemblance a person purposely using concealment in order to make it impossible to understand what was going on :

Since he employs a cloak of words, a fence
Of guilefulness.[a]

Occasionally also metaphors serve to achieve brevity, for instance ' If the weapon slipped from his hand ' [b] : it was not possible to express the unintentional nature of the discharge of the missile more briefly by employing the proper words than it is conveyed by a single word used metaphorically.

159 "Under this heading I very often feel it a curious point to inquire why it is that everybody derives more pleasure from words used metaphorically and not in their proper sense than from the proper names belonging to the objects. XL. For if a thing has not got a proper name and designation of its own, for example a ' sheet ' in a ship, a ' bond ' in the sense of a contract made with a pair of scales, a ' separation ' in the case of a wife, necessity compels one to borrow what one has not got from somewhere else ; but even in cases where there are plenty of specific words available, metaphorical terms give people much more pleasure, if the metaphor is a good
160 one. I suppose the cause of this is either that it is a mark of cleverness of a kind to jump over things that are obvious and choose other things that are far-fetched ; or because the hearer's thoughts are led to something else and yet without going astray,

aberrat, quae maxima est delectatio; vel quod singulis verbis res ac totum simile conficitur; vel quod omnis translatio, quae quidem sumpta ratione est, ad sensus ipsos admovetur, maxime oculorum, qui
161 est sensus acerrimus: nam et 'odor urbanitatis' et 'mollitudo humanitatis' et 'murmur maris' et 'dulcedo orationis' sunt ducta a ceteris sensibus, illa vero oculorum multo acriora, quae ponunt paene in conspectu animi quae cernere et videre non possumus. Nihil est enim in rerum natura cuius nos non in aliis rebus possimus uti vocabulo et nomine: unde enim simile duci potest (potest autem ex omnibus), indidem verbum unum quod similitudinem continet translatum lumen affert orationi.

162 Quo in genere primum fugienda est dissimilitudo: 'coeli ingentes fornices': quamvis sphaeram in scenam, ut dicitur, attulerit Ennius, tamen in sphaera fornicis similitudo inesse non potest.

. . . Vive, Ulyxes, dum licet!
Oculis postremum lumen radiatum rape!

Non dixit 'cape,' non 'pete,' haberet enim moram sperantis diutius esse sese victurum, sed 'rape': hoc verbum est ad id aptatum quod ante dixerat, 'dum licet.'

163 XLI. Deinde videndum est ne longe simile sit ductum. 'Syrtim patrimonii': 'scopulum' libentius dixerim, 'Charybdim bonorum' 'voraginem'

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[a] Perhaps from *Ajax*.

which is a very great pleasure; or because a single word in each case suggests the thing and a picture of the whole; or because every metaphor, provided it be a good one, has a direct appeal to the senses, especially the sense of sight, which is the keenest:
161 for while the rest of the senses supply such metaphors as 'the fragrance of good manners,' 'the softness of a humane spirit,' 'the roar of the waves,' 'a sweet style of speaking,' the metaphors drawn from the sense of sight are much more vivid, virtually placing within the range of our mental vision objects not actually visible to our sight. For there is nothing in the world the name or designation of which cannot be used in connexion with other things; with anything that can supply a simile—and a simile can be drawn from everything—a single word supplied by it that comprises the similarity, if used metaphorically, will give brilliance to the style.

162 "In this department the first thing is to eschew a metaphor where there is no real resemblance: 'the vasty vaults of heaven.' It is true that an actual sphere was brought on to the boards, so it is said, by Ennius, but all the same a sphere possesses no possible resemblance to a vault.

Live, Ulysses, while thou mayest!
Snatch with thine eyes thy latest ray of light![a]

he did not say 'seek' or 'take,' for these would imply the delay of a person who had hopes of living longer, but 'snatch'—this word fits with what went before it, 'while thou mayest.'

163 XLI. "Then we must see that the resemblance is not too far-fetched: 'the Syrtis of his heritage' I should rather call the 'rock,' and for a 'Charybdis

potius: facilius enim ad ea quae visa quam ad illa quae audita sunt mentis oculi feruntur. Et quoniam haec vel summa laus est verbi transferendi ut sensum feriat id quod translatum sit, fugienda est omnis turpitudo earum rerum ad quas eorum animos qui
164 audiunt trahet similitudo. Nolo dici morte Africani 'castratam' esse rempublicam, nolo 'stercus curiae' dici Glauciam: quamvis sit simile, tamen est in utroque deformis cogitatio similitudinis. Nolo esse aut maius quam res postulet, 'tempestas comissationis,' aut minus, 'comissatio tempestatis'; nolo esse verbum angustius id quod translatum sit quam fuisset illud proprium ac suum:

Quidnam est, obsecro? Quid te adirier abnutas?

Melius esset 'vetas,' 'prohibes,' 'absterres,' quoniam ille dixerat:

Ilico istic,
Ne contagio mea bonis umbrave obsit. . . .

165 Atque etiam, si vereare ne paulo durior translatio esse videatur, mollienda est praeposito saepe verbo: ut si olim M. Catone mortuo 'pupillum' senatum quis relictum diceret, paulo durius, sin 'ut ita dicam, pupillum,' aliquanto mitius; etenim verecunda debet esse translatio, ut deducta esse in alienum locum, non

[a] From Ennius, *Thyestes* (*Remains*, i. pp. 352 f.); the reply of the chorus to the words of Thyestes next quoted: he has tasted the flesh of his children served up to him by Atreus and forbids anyone to approach him for fear of sharing in the curse that has fallen on him.

of wealth' I should prefer 'whirlpool'; for the mind's eye is carried more easily to things we have seen than to things we have heard of. And as perhaps the highest merit in the employment of metaphor is when the metaphorical expression directly hits our senses, one must avoid all unseemliness in the things to which the comparison will lead the hearers'
164 minds. I deprecate the expression that the death of Africanus 'left the state gelt,' or that Glaucia was 'the excrement of the House of Lords'; there may be a likeness, but all the same in each case the resemblance contains an ugly idea. I deprecate a metaphor that is on a bigger scale than the thing requires—'a hurricane of revelry,' or on a smaller scale—'the revelling of the hurricane'; I deprecate the metaphorical term being narrower in scope than the literal and proper word would have been:

What is't, I pray? Why shakest thou thy head
At mine approach? [a]—

'forbid' or 'prohibit' or 'deter' would be better, as the other had said—

Hold, stay!
Lest my mere touch or shadow harm the righteous.

165 And moreover, if one is afraid of the metaphor's appearing a little too harsh, it should be softened down with a word of introduction, as is frequently done; for instance if in the old days somebody had spoken of the Senate as 'left an orphan' by the death of Marcus Cato, it would have been a little too harsh, whereas 'what I may call an orphan' would have been a little easier; in fact the metaphor ought to have an apologetic air, so as to look as if it had entered a place that does not belong to it with a proper introduction, not

irruisse atque ut precario, non vi venisse videatur.
166 Modus autem nullus est florentior in singulis verbis nec qui plus luminis afferat orationi ; nam illud quod ex hoc genere profluit non est in uno verbo translato sed ex pluribus continuatis connectitur, ut aliud dicatur, aliud intellegendum sit :

. . . . neque me patiar
Iterum ad unum scopulum ut olim classem Achivum
offendere ;

atque illud,

Erras, erras ; nam exsultantem te et praefidentem tibi
Repriment validae legum habenae atque imperi insistent
iugo.

Sumpta re simili verba eius rei propria deinceps in
167 rem aliam, ut dixi, transferuntur. XLII. Est hoc magnum ornamentum orationis. In quo obscuritas fugienda est : etenim ex hoc genere fiunt ea quae dicuntur aenigmata ; non est autem in verbo modus hic sed in oratione, id est, in continuatione verborum. Ne illa quidem traductio atque immutatio in verbo quamdam fabricationem habet [sed in oratione][1] :

Africa terribili tremit horrida terra tumultu ;

[Pro 'Afris' est sumpta 'Africa,'][2] neque factum verbum est, ut 'mare saxifragis undis,' neque trans-

[1] *Schütz.* [2] *Kayser.*

[a] A translation of ἀλληγορία. The source of these two quotations is unknown.

[b] *i.e.* 'Africa' is used by metonymy to mean 'the Africans,' as below 'Rome' means 'the Romans.' The line is from Ennius's *Annales* (*Remains*, i. pp. 114 f., Vahlen, *Ennius, Annals* 310); it refers to the landing of Scipio in Africa before the battle of Zama.

taken it by storm, and as if it had come with per-
166 mission, not forced its way in. But there is no mode of speech more effective in the case of single words, and none that adds more brilliance to the style ; for from this class of expression comes a development not consisting in the metaphorical use of a single word but in a chain of words linked together, so that something other than what is said has to be understood [a] :

Neither will I endure that I make shipwreck,
Like the Achaean fleet in days gone by,
A second time upon the self-same rock ;

and the passage :

Thou err'st, thou err'st ; for as thou rear'st thy head
In over-confidence, the law's strong rein
Shall curb thee, and shall bring thee to a stand
Beneath authority's yoke.

Something resembling the real thing is taken, and the words that properly belong to it are then, as I said, applied metaphorically to the other thing.
167 XLII. This is a valuable stylistic ornament ; but care must be taken to avoid obscurity—and in fact it is usually the way in which what are called riddles are constructed ; but this mode does not turn on a single word but consists in the general style, that is, in a series of words. Nor yet does the figure of substitution or metonymy involve an innovation in a word :

The rugged realm of Africa [b]
With dire disorder trembles— ;

nor is a word invented, as

The sea with its rockrupting waves—

latum, ut 'mollitur mare,' sed ornandi causa proprium proprio commutatum :

> Desine, Roma, tuos hostes . .

et

> Testes sunt Campi Magni . .

Gravis est modus in ornatu orationis et saepe sumendus ; ex quo genere haec sunt, 'Martem belli' esse 'communem,' 'Cererem' pro frugibus, 'Liberum' appellare pro vino, 'Neptunum' pro mari, 'curiam' pro senatu, 'campum' pro comitiis, 'togam' pro
168 pace, 'arma' ac 'tela' pro bello. Quo item in genere et virtutes et vitia pro ipsis in quibus illa sunt appellantur :

> Luxuries quam in domum irrupit,

et 'quo avaritia penetravit,' aut 'fides valuit,' 'iustitia confecit.' Videtis profecto genus hoc totum, cum inflexo commutatoque verbo res eadem enuntiatur ornatius. Cui sunt finitima illa minus ornata sed tamen non ignoranda, cum intellegi volumus aliquid aut ex parte totum, ut pro 'aedificiis' cum 'parietes' aut 'tecta' dicimus ; aut ex toto partem, ut cum unam turmam 'equitatam Populi Romani' dicimus ; aut ex uno plures :

> At Romanus homo, tamen etsi res bene gesta est,
> Corde suo trepidat ;

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[a] *i.e.* 'Roma' for 'Romani,' 'Campi Magni,' a place in Africa (Livy xxx. 8), for Africa itself. From Ennius's *Scipio*, see *Remains*, i. pp. 398 f.

[b] Apparently a verse quotation, but source unknown.

nor employed metaphorically, as

> The sea is softened— :

but for the sake of ornament one proper name is substituted for another[a] :

> Cease, Rome, thy foes . . .

and

> The Great Veldt is my witness . .

The method is effective in ornamenting the style, and should often be adopted ; and to the same class belong the phrase 'the impartiality of the War-god' and the use of the terms 'Ceres' for corn, 'Liber' for wine, 'Neptune' for the sea, 'the House' for parliament, 'the polling booth' for elections, 'civilian
168 dress' for peace, 'arms' or 'guns' for war ; and also in the same class is the use of the names of the virtues and vices to stand for the people who possess them—

> The dwelling whereinto Extravagance
> Hath forced an entry[b]—

and 'where avarice has found its way,' or 'loyalty has prevailed,' 'justice has achieved.' You see what I mean—this whole class of expressions in which the same meaning is conveyed more elegantly by modifying or altering a word. And akin to it are the less decorative but nevertheless not negligible figures employed when we desire a part to be understood to mean a whole, for instance when for 'houses' we say 'walls' or 'roofs' ; or else a whole to mean a part, for instance when we call a single squadron of horse 'the cavalry of Rome' ; or one thing to mean several :

> But though the day is won, the Roman's heart
> Trembles—

aut cum ex pluribus intellegitur unum :

Nos sumu' Romani qui fuimus ante Rudini ;

aut quocumque modo non ut dictum est in eo genere intellegitur sed ut sensum est.

169 XLIII. Abutimur saepe etiam verbo non tam eleganter quam in transferendo, sed, etiamsi licentius, tamen interdum non impudenter : ut cum 'grandem' orationem pro 'magna,' 'minutum' animum pro 'parvo' dicimus. Verum illa videtisne esse non verbi sed orationis, quae ex pluribus, ut exposui, translationibus connexa sunt ? haec autem quae aut immutata esse dixi aut aliter intellegenda ac dicerentur, sunt translata quodam modo.

170 Ita fit ut omnis singulorum verborum virtus atque laus tribus exsistat ex rebus : si aut vetustum verbum sit, quod tamen consuetudo ferre possit, aut factum vel coniunctione vel novitate, in quo item est auribus consuetudinique parcendum, aut translatum, quod maxime tanquam stellis quibusdam notat et illuminat orationem.

171 Sequitur continuatio verborum, quae duas res maxime, collocationem primum, deinde modum quemdam formamque desiderat. Collocationis est componere et struere verba sic ut neve asper eorum concursus neve hiulcus sit, sed quodam modo coag-

[a] Both quotations are from Ennius (see *Remains*, i. pp. 434 f., Vahlen, *Ennius*, *Annals* 545); in the latter (quoted to illustrate the use of 'we' for 'I') he speaks of himself—he was born at Rudiae in Calabria and afterwards received the Roman citizenship.

[b] *i.e.* metonymy.

[c] Literally 'full-grown,' 'tall.'

or when several mean one :

We now are Romans who were erst Rudini [a]—

or in whatever way a word is used not in its literal meaning but in a suggested sense.

169 XLIII. "Often also we use [b] a word out of its literal sense in a less elegant manner than when it is used metaphorically, but this even though rather a loose use is nevertheless sometimes unobjectionable : for instance when we say a 'full-length' [c] speech instead of a 'long' speech, and a 'petty' mind for a 'small' mind. But the figure previously mentioned [d] consisting, as I explained, of a series of several metaphorical terms strung together, is a matter, do you notice, not of a word but of a sentence ; whilst the figure now in question, consisting of words used as I said metonymously or in what is not their literal meaning, is a metaphor of a sort.

170 "It follows that all merit and distinction in the use of words singly arises from three factors : the word may either be archaic but at the same time acceptable to habitual usage ; or a coinage made by compounding two words, or inventing a new one—and here similarly consideration must be paid to what our ears are used to ; or used metaphorically—a most effective way of introducing spots of high light to give brilliance to the style.

171 "There follows the question of periodic structure, which involves two things in particular, first arrangement and then rhythm and balance. It belongs to arrangement to place the words together in such a structure as not to have any harsh clash of consonants or hiatus of vowels, but a sort of connexion (b) Structure of the sentence: (1) syntax,

[d] *i.e.* allegory, § 166.

mentatus et laevis; in quo[1] in soceri mei persona lusit is qui elegantissime id facere potuit[1]:

> Quam lepide λέξεις compostae! ut tesserulae omnes
> Arte pavimento atque emblemate vermiculato.

Quae cum dixisset in Albucium illudens, ne a me quidem abstinuit:

> Crassum habeo generum, ne rhetoricoterus tu sis.

Quid ergo? iste Crassus, quoniam eius abuteris nomine, quid efficit? Idem illud—scilicet, ut ille volt et ego vellem, melius aliquanto quam Albucius:
172 verum in me quidem lusit ille, ut solet. Sed est tamen haec collocatio conservanda verborum de qua loquor, quae iunctam[2] orationem efficit, quae cohaerentem, quae lenem, quae aequabiliter fluentem; id assequemini si verba extrema cum consequentibus primis ita iungetis ut ne aspere concurrant neve vastius diducantur.

173 XLIV. Hanc diligentiam subsequitur modus etiam et forma verborum, quod iam vereor ne huic Catulo videatur esse puerile; versus enim veteres illi in hac soluta oratione propemodum, hoc est, numeros quosdam nobis esse adhibendos putaverunt. Interspirationis enim, non defatigationis nostrae neque librariorum notis sed verborum et sententiarum modo interpunctas clausulas in orationibus esse voluerunt;

[1] in quo lepide *et* potuit Lucilius *codd.*: lepide *et* Lucilius *secl. Kayser.*
[2] vinctam *Friedrich.*

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[a] The copyists have correctly identified the author in question as Lucilius. [b] Scaevola.
[c] This rendering is by Wilkins.
[d] The speaker. See *Remains*, iii. pp. 28 f., Marx, *Lucilius* 84-86.

and smoothness; as to which a jest was made by the author[a] most capable of doing it neatly—the character speaking is my wife's father[b]:

> How charmingly he *fait ses phrases*—set in order, like the lines
> Of mosaic in a pavement, and his inlaid work he twines.[c]

And after this hit at Albucius he did not keep his tongue off me either:

> I've a son-in-law named Crassus[d] so don't be too oratorical.

What then? what is the achievement of this Mr. Crassus (as you drag in his name, Lucilius)? Just the one in question—no doubt considerably better done by him than it was by Albucius: that is what Scaevola in the poem means and I myself hope; however the hit against me was only a joke of his, as
172 his way is. But nevertheless it is important to pay attention to this matter of order of words which I am speaking of—it produces a well-knit, connected style, with a smooth and even flow; this you will achieve if the ends of the words join on to the beginning of the words that follow in such a way as to avoid either harsh collision or awkward hiatus.

173 XLIV. "After attention to this matter comes also (2) rhythm.
the consideration of the rhythm and shape of the words, a point which I am afraid Catulus here may consider childish; for the old Greek masters held the view that in this prose style it is proper for us to use something almost amounting to versification, that is, certain definite rhythms. For they thought that in speeches the close of the period ought to come not when we are tired out but where we may take breath, and to be marked not by the punctuation of the copying clerks but by the arrangement of the

idque princeps Isocrates instituisse fertur ut inconditam antiquorum dicendi consuetudinem delectationis atque aurium causa, quemadmodum scribit discipulus eius Naucrates, numeris astringeret.
174 Namque haec duo musici, qui erant quondam eidem poetae, machinati ad voluptatem sunt, versum atque cantum, ut et verborum numero et vocum modo delectatione vincerent aurium satietatem. Haec igitur duo, vocis dico moderationem et verborum conclusionem, quoad orationis severitas pati possit, a poetica ad eloquentiam traducenda duxerunt.

175 In quo illud est maximum,[1] quod versus in oratione si efficitur coniunctione verborum, vitium est, et tamen eam coniunctionem, sicuti versum, numerose cadere et quadrare et perfici volumus: neque est ex multis res una quae magis oratorem ab imperito dicendi ignaroque distinguat quam quod ille rudis incondite fundit quantum potest et id quod dicit spiritu, non arte, determinat, orator autem sic illigat sententiam verbis ut eam numero quodam complec-
176 tatur et astricto et soluto. Nam cum vinxit modis et forma, relaxat et liberat immutatione ordinis, ut verba neque alligata sint quasi certa aliqua lege versus neque ita soluta ut vagentur.

[1] *v.l.* vel maximum.

words and of the thought; and it is said that Isocrates first introduced the practice of tightening up the irregular style of oratory which belonged to the early days, so his pupil Naucrates writes, by means of an element of rhythm, designed to give pleasure to
174 the ear. For two contrivances to give pleasure were devised by the musicians, who in the old days were also the poets, verse and melody, with the intention of overcoming satiety in the hearer by delighting the ear with the rhythm of the words and the mode of the notes. These two things therefore, I mean the modulation of the voice and the arrangement of words in periods, they thought proper to transfer from poetry to rhetoric, so far as was compatible with the severe character of oratory.

175 "In this matter an extremely important point is, that although it is a fault in oratory if the connexion of the words produces verse, nevertheless we at the same time desire the word-order to resemble verse in having a rhythmical cadence, and to fit in neatly and be rounded off; nor among the many marks of an orator is there one that more distinguishes him from an inexperienced and ignorant speaker, than that the tiro pours out disorderly stuff as fast as he can with no arrangement, and ends a sentence not from artistic considerations but when his breath gives out, whereas the orator links words and meaning together in such a manner as to unfold his thought
176 in a rhythm that is at once bound and free. For after enclosing it in the bonds of form and balance, he loosens and releases it by altering the order, so that the words are neither tied together by a definite metrical law nor left so free as to wander uncontrolled.

XLV. Quonam igitur modo tantum munus insistemus, ut arbitremur nos hanc vim numerose dicendi consequi posse? Non est res tam difficilis quam necessaria; nihil est enim tam tenerum neque tam flexibile neque quod tam facile sequatur quocumque
177 ducas quam oratio. Ex hac versus, ex eadem dispares numeri conficiuntur; ex hac haec etiam soluta variis modis multorumque generum oratio; non enim sunt alia sermonis, alia contentionis verba, neque ex alio genere ad usum quotidianum, alio ad scenam pompamque sumuntur, sed ea nos cum iacentia sustulimus e medio, sicut mollissimam ceram ad nostrum arbitrium formamus et fingimus. Itaque tum graves sumus, tum subtiles, tum medium quiddam tenemus: sic institutam nostram sententiam sequitur orationis genus, idque ad omnem et aurium voluptatem et
178 animorum motum mutatur et vertitur. Sed ut in plerisque rebus incredibiliter hoc natura est ipsa fabricata, sic in oratione, ut ea quae maximam utilitatem in se continerent eadem haberent plurimum vel dignitatis vel saepe etiam venustatis. Incolumitatis ac salutis omnium causa videmus hunc statum esse huius totius mundi atque naturae, rotundum ut caelum terraque ut media sit eaque sua vi nutuque teneatur; sol ut eam[1] circum feratur, ut accedat ad brumale signum et inde sensim ascendat in diversam partem; ut luna accessu et recessu [suo][2] solis lumen accipiat; ut eadem spatia quinque stellae dispari

[1] eam *add. Friedrich.* [2] *v.l. om.*

[a] The sun's apparent course sinks to the sign of Capricornus at midwinter (Wilkins).
[b] *i.e.* the planets Mercury, Venus, Mars, Jupiter, Saturn.

XLV. "How then pray shall we enter on so great an undertaking with confidence in our ability to attain this capacity of rhythmical utterance? The difficulty of the thing is not as great as its importance; for there is nothing so delicate or flexible, or that follows so easily wherever one leads it,
177 as speech. Speech is the material used alike for making verses and irregular rhythms. Also it is the material for prose of various styles and many kinds; for the vocabulary of conversation is the same as that of formal oratory, and we do not choose one class of words for daily use and another for full-dress public occasions, but we pick them up from common life as they lie at our disposal, and then shape them and mould them at our discretion, like the softest wax. Consequently at one moment we use a dignified style, at another a plain one, and at another we keep a middle course between the two; thus the style of our oratory follows the line of thought we take, and changes and turns to suit all the requirements of pleasing the ear and influencing the mind of
178 the audience. But in oratory as in most matters nature has contrived with incredible skill that the things possessing most utility also have the greatest amount of dignity, and indeed frequently of beauty also. We observe that for the safety and security of the universe this whole ordered world of nature is so constituted that the sky is a round vault, with the earth at its centre, held stationary by its own force and stress; and the sun travels round it, approaching towards the constellation of mid-winter[a] and then gradually rising towards the opposite direction; while the moon receives the sun's light as it advances and retires; and five stars[b] accomplish the same

179 motu cursuque conficiant. Haec tantam habent vim ut paulum immutata cohaerere non possint, tantam pulchritudinem ut nulla species ne excogitari quidem possit ornatior. Referte nunc animum ad hominum vel etiam ceterorum animantium formam et figuram: nullam partem corporis sine aliqua necessitate affictam totamque formam quasi perfectam reperietis arte, non casu. XLVI. Quid in arboribus? in quibus non truncus, non rami, non folia sunt denique nisi ad suam retinendam conservandamque naturam; nusquam tamen est ulla pars
180 nisi venusta. Linquamus naturam, artesque videamus: quid tam in navigio necessarium quam latera, quam cavernae, quam prora, quam puppis, quam antennae, quam vela, quam mali? quae tamen hanc habent in specie venustatem ut non solum salutis sed etiam voluptatis causa inventa esse videantur. Columnae et templa et porticus sustinent, tamen habent non plus utilitatis quam dignitatis. Capitoli fastigium illud et ceterarum aedium non venustas sed necessitas ipsa fabricata est; nam cum esset habita ratio quemadmodum ex utraque tecti parte aqua delaberetur, utilitatem fastigii templi dignitas consecuta est, ut etiamsi in caelo capitolium statueretur ubi imber esse non posset, nullam sine fastigio dignitatem habiturum fuisse videatur.

181 Hoc in omnibus item partibus orationis evenit, ut utilitatem ac prope necessitatem suavitas quaedam

[a] *i.e.* the same courses round the earth as the sun and moon.

courses[a] with different motion and on a different
179 route. This system is so powerful that a slight modification of it would make it impossible for it to hold together, and it is so beautiful that no lovelier vision is even imaginable. Now carry your mind to the form and figure of human beings or even of the other living creatures: you will discover that the body has no part added to its structure that is superfluous, and that its whole shape has the perfection of a work of art and not of accident. XLVI. Take trees: in these the trunk, the branches and lastly the leaves are all without exception designed so as to keep and to preserve their own nature, yet no-
180 where is there any part that is not beautiful. Let us leave nature and contemplate the arts: in a ship, what is so indispensable as the sides, the hold, the bow, the stern, the yards, the sails and the masts? yet they all have such a graceful appearance that they appear to have been invented not only for the purpose of safety but also for the sake of giving pleasure. In temples and colonnades the pillars are to support the structure, yet they are as dignified in appearance as they are useful. Yonder pediment of the Capitol and those of the other temples are the product not of beauty but of actual necessity; for it was in calculating how to make the rain-water fall off the two sides of the roof that the dignified design of the gables resulted as a by-product of the needs of the structure—with the consequence that even if one were erecting a citadel in heaven, where no rain could fall, it would be thought certain to be entirely lacking in dignity without a pediment.

181 "The same is the case in regard to all the divisions of a speech—virtually unavoidable practical

et lepos consequatur. Clausulas enim atque interpuncta verborum animae interclusio atque angustiae spiritus attulerunt; id inventum ita est suave ut, si cui sit infinitus spiritus datus, tamen eum perpetuare verba nolimus; id enim auribus nostris gratum est[1] quod hominum lateribus non tolerabile
182 solum sed etiam facile esse posset. XLVII. Longissima est igitur complexio verborum quae volvi uno spiritu potest, sed hic naturae modus est, artis alius. Nam cum sint numeri plures, iambum et trochaeum frequentem segregat ab oratore Aristoteles, Catule, vester; qui natura tamen incurrunt ipsi in orationem sermonemque nostrum, sed sunt insignes percussiones eorum numerorum et minuti pedes. Quare primum ad heroum nos[2] pedem invitat; in quo impune progredi licet duo dumtaxat pedes aut paulo plus, ne plane in versum aut similitudinem versus incidamus: 'altae sunt geminae quibus . . .' Hi tres[3] pedes in principia continuandorum verborum
183 satis decore cadunt. Probatur autem ab eodem illo maxime paean, qui est duplex, nam aut a longa oritur quam tres breves consequuntur, ut haec verba, 'desinite, incipite, comprimite'; aut a brevibus deinceps tribus, extrema producta atque longa, sicut

[1] *Piderit:* est inventum.
[2] *Wilkins:* nos dactyli et anapaesti et spondei.
[3] *Madvig:* tres heroi.

[a] The foot that we call a trochee Cicero names *choreus* (Wilkins).
[b] Those of the heroic metre—the iambus, tribrach and dactyl.

requirements produce charm of style as a result. It was failure or scantiness of breath that originated periodic structure and pauses between words, but now that this has once been discovered, it is so attractive, that even if a person were endowed with breath that never failed, we should still not wish him to deliver an unbroken flow of words; for our ears are only gratified by a style of delivery which is not merely endurable but also easy for
182 the human lungs. XLVII. Consequently though the longest group of words is that which can be reeled off in one breath, this is the standard given by nature; the standard of art is different. For among the variety of metres, a frequent use of the iambus and the tribrach[a] is interdicted to the orator by Aristotle, the master of your school, Catulus. Nevertheless they invade our Roman oratory and conversational style automatically; yet these rhythms have a very marked beat, and the foot is too short. Consequently Aristotle asks us to employ primarily the heroic metre, in which it is quite legitimate to carry on for the space of two feet or a little more, provided we do not fall into downright verse or something resembling verse:

Both of the maids are tall, and they . . .

These three feet[b] suit the beginning of a period
183 well enough. But the same authority specially approves of the paean, of which there are two varieties, beginning either with a long syllable followed by three short ones, like the phrases 'stóp doing it,' 'gét on to it,' 'préss down on it,' or else with three consecutive shorts with a long carrying on at the end, examples of which are 'beaten them

illa sunt, 'domuerant,' 'sonipedes;' atque illi philosopho[1] ordiri placet a superiore paeane, posteriore finire. Est autem paean hic posterior[2] non syllabarum numero sed aurium mensura, quod est acrius iudicium et certius, par fere Cretico, qui est ex longa et brevi et longa, ut

Quid petam praesidi aut exsequar? quove nunc . . .

a quo numero exorsus est Fannius: 'Si, Quirites, minas illius . . .' Hunc ille clausulis aptiorem putat, quas vult longa plerumque syllaba terminari.

184 XLVIII. Neque vero haec tam acrem curam diligentiamque desiderant quam est illa poetarum; quos necessitas cogit et ipsi numeri ac modi sic verba versu includere ut nihil sit ne spiritu quidem minimo brevius aut longius quam necesse est. Liberior est oratio, et plane ut dicitur sic et est vere 'soluta,' non ut fugiat tamen aut erret sed ut sine vinculis sibi ipsa moderetur. Namque ego illud assentior Theophrasto, qui putat orationem, quae quidem sit polita atque facta quodam modo, non astricte sed remissius
185 numerosam esse oportere. Etenim, sicut ille suspicatur, et ex illis modis quibus hic usitatus versus efficitur post anapaestus procerior quidam numerus effloruit, inde ille licentior et divitior fluxit dithyrambus, cuius membra et pedes, ut ait idem, sunt in omni locupleti oratione diffusa; et si numerosum est

[1] [philosopho] *Kayser*. [2] [posterior] *Kayser*.

[a] From Ennius, *Andromache* (*Remains*, i. pp. 250 f., Vahlen, *Ennius*, *Scenica* 86).

áll,' 'clatter of hoóves'; and the philosopher mentioned approves of using the former kind of paean at the beginning and the latter kind at the end. But as a matter of fact this latter paean is almost the same—not in number of syllables but in length as it affects the ear, which is a sharper and more reliable test—as the cretic, which consists of long, short, long: for instance:

Whére can Ĭ gó for hélp? Whát's the néxt? Whére awáy . . .[a]

This was the rhythm used by Fannius at the beginning of a speech: 'Noble lords, if the threats hurled by this . . .' Aristotle considers this foot more suitable for ends of clauses, which he desires to end as a rule with a long syllable.

184 XLVIII. "These points however do not call for such close attention and care as is practised by the poets; for them it is a requirement of actual necessity and of the metrical forms themselves that the words shall be so framed in the line that there may not be less or more by even a single breath than the length required. Prose is less fettered, and its designation as 'free style' is quite a correct one, only this does not mean that it is free to go loose or to roam about, but that it is not in chains and supplies its own control. For I agree with the opinion of Theophrastus, that at all events polished and systematic prose must have a rhythm, though not rigid, yet fairly loose.
185 In fact, as he divines, not only have the metres used for the verse now in vogue with us blossomed out later into a more drawn-out metre, the anapaest, from which has flowed the looser and more sumptuous dithyramb, whose members and feet, as the same writer says, occur widely in all opulent prose; but

id in omnibus sonis atque vocibus quod habet quasdam impressiones et quod metiri possumus intervallis aequalibus, recte genus hoc numerorum, dummodo ne continuum sit,[1] in orationis laude ponetur.[2] Nam si rudis et impolita putanda est illa sine intervallis loquacitas perennis et profluens, quid est aliud causae cur repudietur nisi quod hominum auribus vocem natura modulatur ipsa ?[3] quod fieri nisi inest numerus
186 in voce non potest. Numerus autem in continuatione nullus est ; distinctio et aequalium et saepe variorum intervallorum percussio numerum conficit, quem in cadentibus guttis, quod intervallis distinguuntur, notare possumus, in amni praecipitante non possumus. Quod si continuatio verborum haec soluta multo est aptior atque iucundior si est articulis membrisque distincta quam si continuata ac producta, membra illa modificata esse debebunt : quae si in extremo breviora sunt, infringitur ille quasi verborum ambitus—sic enim has orationis conversiones Graeci nominant. Quare aut paria esse debent posteriora superioribus, extrema[4] primis, aut, quod etiam est melius et iucundius, longiora.

187 XLIX. Atque haec quidem ab eis philosophis quos tu maxime diligis, Catule, dicta sunt : quod eo saepius testificor ut auctoribus laudandis ineptiarum crimen effugiam.

Quarum tandem ? inquit Catulus, aut quid dis-

[1] *v.l.* continui sint. [2] *v.l.* ponitur.
[3] aures vocem natura modulantur ipsae *Fritsche.*
[4] *Piderit :* et extrema.

also, if all sounds and utterances contain an element of rhythm possessing certain beats and capable of being measured by its regular intervals, it will be proper to reckon this kind of rhythm as a merit in prose, provided that it is not used in an unbroken succession. For if a continuous flow of verbiage unrelieved by intervals must be considered rough and unpolished, what other reason is there to reject it except that nature herself modulates the voice to gratify the ear of mankind ? and this cannot be achieved unless the voice contains an element of
186 rhythm. But in a continuous flow there is no rhythm; rhythm is the product of a dividing up, that is of a beat marking equal and also frequently varying intervals,—the rhythm that we can notice in falling drops of water, because they are separated by intervals, but cannot detect in a fast flowing river. But if this continuous series of words in prose is much neater and more pleasing if it is divided up by joints and limbs than if it is carried right on without a break, the limbs in question will need management ; and if they are shorter at the end, this makes a break in the periodic structure of the words—for 'period' is the Greek name for these turning-points of speech. Consequently the later clauses must either be equal to the preceding ones, and the last ones to the first, or they must be longer, which is even better and more pleasing.

187 XLIX. "So far these are the pronouncements of the philosophers to whom you, Catulus, are most attached —a fact that I call in evidence the more often with the object of escaping the charge of ineptitude by speaking highly of the authorities."

"What ineptitude, pray ?" said Catulus, "or

putatione ista afferri potest elegantius aut omnino dici subtilius?

188 At enim vereor, inquit Crassus, ne haec aut difficiliora istis ad persequendum esse videantur aut, quia non tradantur[1] in vulgari ista disciplina, nos ea maiora ac difficiliora videri velle videamur.

Tum Catulus: Erras, inquit, Crasse, si aut me aut horum quemquam putas a te haec opera quotidiana et pervagata exspectare; ista quae dicis dici volumus, neque tam dici quam isto dici modo. Neque tibi hoc pro me solum sed pro his omnibus sine ulla dubitatione respondeo.

189 Ego vero, inquit Antonius, inveni tandem[2] quem negaram in eo quem scripsi libello me invenisse, eloquentem; sed eo te ne laudandi quidem causa interpellavi ne quid de hoc tam exiguo sermonis tui tempore verbo uno meo diminueretur.

190 Hanc igitur, Crassus inquit, ad legem cum exercitatione tum stylo, qui et alia et hoc maxime ornat ac limat, formanda nobis oratio est. Neque tamen hoc tanti laboris est quanti videtur, nec sunt haec rhythmicorum ac musicorum acerrima norma dirigenda; efficiendum est illud modo nobis ne fluat oratio ne vagetur, ne insistat interius, ne excurrat longius, ut membris distinguatur, ut conversiones

[1] *Rackham:* traduntur. [2] *v.l.* inveni iam.

what could be put more elegantly or in any way expressed with greater subtlety than the exposition you have given us?"

188 "O, but in fact," said Crassus, "I am nervous lest either these doctrines may seem to our young friends to be too difficult to carry out in practice, or we may ourselves be thought to want them to seem grander and more difficult because they are not taught as part of their regular curriculum."

"You are mistaken, Crassus," rejoined Catulus, "if you fancy that either I or any of the party expect you to give us these everyday hackneyed exercises. What we want to be told is what you are telling us, and we don't so much want it to be told as to be told in your style of telling; nor have I any hesitation in making you this answer for the whole party and not for myself only."

189 "Well, as for me," said Antonius, "I've now found what in that book of mine I said I never had found—an eloquent speaker. But my reason for not interrupting you even with compliments was in order that the very brief time available for your discourse might not be shortened by a single word from me."

190 "Well, then," said Crassus, "we must make our style conform to this law of rhythm both by practice in speaking and by using the pen, which is a good tool for giving style and polish both to other forms of composition and particularly to oratory. All the same, this is not so laborious a job as it looks, nor is it necessary to regulate these matters by the strictest rule of the metricians or musicians; all that we have to achieve is that the language shall not be diffuse and rambling, stopping short of the mark or wandering on too far, and that the parts of the structure

habeat absolutas. Neque semper utendum est perpetuitate et quasi conversione verborum, sed saepe partienda[1] membris minutioribus oratio est, quae
191 tamen ipsa membra sunt numeris vincienda. Neque vos paean aut herous ille conturbet: ipsi occurrent orationi, ipsi inquam, se offerent et respondebunt non vocati. Consuetudo modo illa sit scribendi atque dicendi ut sententiae verbis finiantur eorumque verborum[2] iunctio nascatur a proceris numeris ac liberis, maxime heroo aut paeane priore aut Cretico, sed varie distincteque considat, notatur enim maxime similitudo in conquiescendo; et si primi et postremi[3] pedes sunt hac ratione servati, medii possunt latere, modo ne circuitus ipse verborum sit aut brevior quam aures exspectent aut longior quam vires atque anima
192 patiatur. L. Clausulas autem diligentius etiam servandas esse arbitror quam superiora, quod in his maxime perfectio atque absolutio iudicatur. Nam versus aeque prima et media et extrema pars attenditur, qui debilitatur in quacumque sit parte titubatum: in oratione autem prima pauci cernunt, postrema plerique; quae quoniam apparent et intelleguntur, varianda sunt ne aut animorum iudiciis
193 repudientur aut aurium satietate. Duo enim aut tres sunt fere extremi servandi et notandi pedes, si

[1] partienda *Reid:* carpenda.
[2] [sententiae verbis finiantur eorumque] *Kayser.*
[3] *Wilkins:* postremi illi.

shall be distinct and the periods finished. And at the same time it is not necessary to use long sentences and periods all the time; on the contrary, the discourse should frequently be divided up into smaller members, although these themselves should possess
191 a rhythmical unity of structure. Nor need you worry about the paeans or the dactyls we were talking about: they will turn up in prose of their own accord—yes, they will fall in and report themselves as present without being summoned. Only let your habitual practice in writing and speaking be to make the thoughts end up with the words, and the combination of the words themselves spring from good long free metres, specially the dactylic or the first paean or the cretic, though with a close of various forms and clearly marked, for similarity is particularly noticed at the close; and if the first and last feet of the sentences are regulated on this principle, the metrical shapes of the parts in between can pass unnoticed, only provided that the actual period is not shorter than the ear expected or longer than the
192 strength and the breath can last out. L. However, the close of the sentences in my opinion requires even more careful attention than the earlier parts, because it is here that perfection of finish is chiefly tested. For with verse equal attention is given to the beginning and middle and end of a line, and a slip at any point weakens its force, but in a speech few people notice the first part of the sentences and nearly everybody the last part; so as the ends of the sentences show up and are noticed, they must be varied, in order not to be turned down by the critical faculty
193 or by a feeling of surfeit in the ear. For there are perhaps two or three feet that ought to be kept

modo non breviora et praecisa erunt superiora; quos aut choreos aut heroos aut alternos esse oportebit aut in paeane illo posteriore quam Aristoteles probat aut ėi pari Cretico. Horum vicissitudines efficient ut neque ei satientur qui audient fastidio similitudinis nec nos id quod faciemus opera dedita facere videa-
194 mur. Quod si Antipater ille Sidonius quem tu probe, Catule, meministi solitus est versus hexametros aliosque variis modis atque numeris fundere ex tempore, tantumque hominis ingeniosi ac memoris valuit exercitatio ut cum se mente ac voluntate coniecisset in versum verba sequerentur, quanto id facilius in oratione exercitatione et consuetudine adhibita consequemur!

195 Illud autem ne quis admiretur, quonam modo haec vulgus imperitorum in audiendo notet, cum in omni genere, tum in hoc ipso magna quaedam est vis incredibilisque naturae. Omnes enim tacito quodam sensu sine ulla arte aut ratione quae sint in artibus ac rationibus recta ac prava diiudicant; idque cum faciunt in picturis et in signis et in aliis operibus ad quorum intellegentiam a natura minus habent instrumenti, tum multo ostendunt magis in verborum numerorum vocumque iudicio, quod ea sunt in communibus infixa sensibus neque earum rerum quem-
196 quam funditus natura voluit esse expertem. Itaque

for sentence endings, and thrown into relief, provided the preceding rhythms are not too short and jerky; these will have to be either trochees or dactyls, or else either trochee or dactyl alternating with the posterior paean that Aristotle approves of or with its equivalent the cretic. To ring the changes on these will prevent the audience from being bored by monotony, and we shall avoid appearing to have taken a lot of trouble to prepare for the task in front
194 of us. But if the great Antipater of Sidon, whom you, Catulus, can remember well, had a habit of pouring out hexameters and other verses of various forms and metres *impromptu*, and as he had a quick wit and a good memory, made himself such an adept by practice, that when he deliberately decided to throw his ideas into verse, words followed automatically, how much more easily shall we achieve this in prose, given practice and training!

Subconscious effect of general style on audience.

195 "But do not let anybody wonder how these things can possibly make any impression on the unlearned crowd when it forms the audience, because in this particular department as in every other nature has a vast and indeed incredible power. For everybody is able to discriminate between what is right and what wrong in matters of art and proportion by a sort of subconscious instinct, without having any theory of art or proportion of their own; and while they can do this in the case of pictures and statues and other works to understand which nature has given them less equipment, at the same time they display this much more in judging the rhythms and pronunciations of words, because these are rooted deep in the general sensibility, and nature has decreed that nobody shall be entirely devoid of these

non solum verbis arte positis moventur omnes verum etiam numeris ac vocibus. Quotus enim quisque est qui teneat artem numerorum ac modorum? at in his si paulum modo offensum est ut aut contractione brevius fieret aut productione longius, theatra tota reclamant. Quid? hoc non idem fit in vocibus, ut a multitudine et populo non modo catervae atque concentus sed etiam ipsi sibi singuli discrepantes

197 eiciantur? LI. Mirabile est, cum plurimum in faciendo intersit inter doctum et rudem, quam non multum differat in iudicando. Ars enim cum a natura profecta sit, nisi naturam moveat ac delectet nihil sane egisse videatur. Nihil est autem tam cognatum mentibus nostris quam numeri atque voces, quibus et excitamur et incendimur et lenimur et languescimus et ad hilaritatem et ad tristitiam saepe deducimur; quorum illa summa vis carminibus est aptior et cantibus, non neglecta, ut mihi videtur, a Numa rege doctissimo maioribusque nostris, ut epularum solemnium fides ac tibiae Saliorumque versus indicant, maxime autem a Graecia vetere celebrata. Quibus utinam similibusque de rebus disputari quam de puerilibus his verborum translationibus maluissetis![1]

198 Verum ut in versu vulgus si est peccatum videt; sic si quid in nostra oratione claudicat sentit; sed

[1] [quibus . . . maluissetis] *Schütz.*

196 faculties. And consequently everybody is influenced not only by skilful arrangement of words but also by rhythms and pronunciations. For what proportion of people understands the science of rhythm and metre? yet all the same if only a slight slip is made in these, making the line too short by a contraction or too long by dwelling on a vowel, the audience protests to a man. Well, does not the same thing take place in the case of pronunciation, so that if there are not only discrepancies between the members of a troupe or a chorus but even inconsistency in the pronunciation of individual actors, the ordinary public

197 drives them off the stage? LI. It is remarkable how little difference there is between the expert and the plain man as critics, though there is a great gap between them as performers. For as art started from nature, it would certainly be deemed to have failed if it had not a natural power of affecting us and giving us pleasure; but nothing is so akin to our own minds as rhythms and words—these rouse us up to excitement, and smooth and calm us down, and often lead us to mirth and to sorrow; though their extremely powerful influence is more suited for poetry and song, nor was it overlooked by that very learned monarch, King Numa, and by our ancestors, as is shown by the use of the lyre and the pipes at ceremonial banquets, and by the verses of the Salii; but it was most frequently employed by the Greece of old days. And I only wish that you people had chosen this and similar topics as the subject of our debate, instead of this childish question of verbal metaphors!

198 "However, just as the public sees a mistake in versification, so it notices a slip in our oratory; but

poetae non ignoscit, nobis concedit, taciti[1] tamen omnes non esse illud quod diximus aptum perfectumque cernunt. Itaque illi veteres, sicut hodie etiam nonnullos videmus, cum circuitum et quasi orbem verborum conficere non possent (nam id quidem nuper vel posse vel audere coepimus), terna aut bina aut nonnulli singula etiam verba dicebant; qui in illa infantia naturale illud quod aures hominum flagitabant tenebant tamen, ut et illa essent paria quae dicerent et aequalibus interspirationibus uterentur.

199 LII. Exposui fere ut potui quae maxime ad ornatum orationis pertinere arbitrabar; dixi enim de singulorum laude verborum, dixi de coniunctione eorum, dixi de numero atque forma. Sed si habitum orationis etiam et quasi colorem aliquem requiritis, est et plena quaedam sed tamen teres, et tenuis non sine nervis ac viribus, et ea quae particeps utriusque generis quadam mediocritate laudatur. His tribus figuris insidere quidam venustatis non fuco illitus
200 sed sanguine diffusus debet color. Tum denique hic nobis orator ita conformandus est et verbis et sententiis ut ei qui in armorum tractatione versantur,[2] ut quemadmodum qui utuntur armis aut palaestra non solum sibi vitandi aut feriendi rationem esse habendam putant sed etiam ut cum venustate mo-

[1] *v.l.* tacite.
[2] ut ei qui . . . versantur *transponunt varie codd. et edd.*

whereas it does not forgive a poet, it makes allowances for us, although all the audience, in spite of its not saying everything, perceives that our remarks were not neatly put or finished in style. Consequently those old orators, as we see to be the case with some speakers even nowadays, being incapable of constructing a rounded period (which indeed we have only lately begun to have the capacity or the courage to do) used to make their clauses consist of three or two words, or in the case of some speakers, even a single word; though at that speechless period they nevertheless kept to the natural practice, demanded by the human ear, of making their clauses balance each other in pairs, and also of inserting regular pauses for taking breath.

199 LII. "I have practically concluded, to the best of my ability, my account of the few factors that I deemed most important for the decoration of oratory, having discussed the value of particular words, combination of words, and rhythm and shape of sentence. But if you also want to hear about general character and tone of diction, there is the full and yet rounded style of oratory, the plain style that is not devoid of vigour and force, and the style which combines elements of either class and whose merit is to steer a middle course. These three styles should exhibit a certain charm of colouring, not as a surface varnish

Three artistic styles.

200 but as permeating their arterial system. Then finally our orator must be shaped in regard to both his words and his thoughts in the same way as persons whose business is the handling of weapons are trained in style, so that just as people who practise fencing or boxing think that they must give consideration not only to avoiding or striking blows but also to

veantur, sic verbis quidem ad aptam compositionem et decentiam, sententiis vero ad gravitatem orationis utatur.

Formantur autem et verba et sententiae paene innumerabiles, quod satis scio notum esse vobis ; sed inter conformationem verborum et sententiarum hoc interest, quod verborum tollitur si verba mutaris, sententiarum permanet quibuscumque verbis uti
201 velis. Quod quidem vos etsi facitis, tamen admonendos puto ne quid esse aliud oratoris putetis quod quidem sit egregium atque mirabile nisi in singulis verbis illa tria tenere, ut translatis utamur frequenter, interdum factis, raro autem etiam pervetustis. In perpetua autem oratione, cum et coniunctionis lenitatem et numerorum quam dixi rationem tenuerimus, tum est quasi luminibus distinguenda et frequentanda
202 omnis oratio sententiarum atque verborum. LIII. Nam et commoratio una in re permultum movet et illustris explanatio rerumque quasi gerantur sub aspectum paene subiectio, quae et in exponenda re plurimum valent[1] et ad illustrandum id quod exponitur et ad amplificandum, ut eis qui audient illud quod augebimus quantum efficere oratio poterit tantum esse videatur ; et huic contraria saepe praecisio est et plus ad intellegendum quam dixeris sig-

[1] *v.l.* valet.

[a] §§ 152, 170.

grace of movement, similarly he may aim on the one hand at neatness of structure and grace in his employment of words and on the other hand at impressiveness in expressing his thoughts.

"Now there is an almost incalculable supply both of figures of speech and of figures of thought, a thing of which I know you are perfectly well aware; but there is this difference between the figurative character of language and of thought, that the figure suggested by the words disappears if one alters the words, but that of the thoughts remains whatever
201 words one chooses to employ. And even if as a matter of fact you do attend to this, still I think you ought to be warned not to imagine that there is anything else essential to the orator, at all events anything outstanding and remarkable, except to be careful in his vocabulary to keep to the three rules stated already,[a] to use metaphorical words frequently, new coinages occasionally, and words that are actually archaic rarely. Then again, in the general structure of the language, after we have mastered smoothness of arrangement and the principle of rhythm that I spoke of, we then must vary and intersperse all our discourse with brilliant touches both
202 of thought and of language. LIII. For a great impression is made by dwelling on a single point, and also by clear explanation and almost visual presentation of events as if practically going on—which are very effective both in stating a case and in explaining and amplifying the statement, with the object of making the fact we amplify appear to the audience as important as eloquence is able to make it; and explanation is often countered by a rapid review, and by a suggestion that causes more to be

Lines of argument.

nificatio et distincte concisa brevitas et extenuatio et huic adiuncta illusio a praeceptis Caesaris non
203 abhorrens ; et ab re longa degressio ; in qua cum fuerit delectatio, tum reditus ad rem aptus et concinnus esse debebit ; propositioque quid sis dicturus et ab eo quod est dictum seiunctio et reditus ad propositum et iteratio et rationis apta conclusio ; tum augendi minuendive causa veritatis supralatio atque traiectio ; et rogatio, atque huic finitima quasi percontatio, expositioque sententiae suae ; tum illa quae maxime quasi irrepit in hominum mentes, alia dicentis ac significantis dissimulatio, quae est periucunda cum orationis[1] non contentione sed sermone tractatur ; deinde dubitatio, tum distributio, tum correctio vel ante vel postquam dixeris vel cum aliquid
204 a te ipse reicias ; praemunitio est etiam ad id quod aggrediare ; et traiectio in alium ; communicatio, quae est quasi cum eis ipsis apud quos dicas deliberatio ; morum ac vitae imitatio vel in personis vel siue illis, magnum quoddam ornamentum orationis et aptum ad animos conciliandos vel maxime, saepe
205 autem etiam ad commovendos ; personarum ficta inductio, vel gravissimum lumen augendi ; descriptio, erroris inductio, ad hilaritatem impulsio, anteoccupatio ; tum duo illa quae maxime movent, similitudo et exemplum ; digestio, interpellatio, contentio,

[1] *v.l.* cum in oratione.

[a] Book II, §§ 261 ff., 269 ff.

[b] *Veritatis supralatio atque traiectio* is a tentative rendering of ὑπερβολή.

understood than one actually says, and by conciseness achieved with due regard to clearness, and disparagement, and coupled with it raillery kept within
203 the rules prescribed[a] by Caesar ; and digression from the matter at issue ; and after this has supplied entertainment, the return to the subject will have to be neatly and tactfully effected ; and the exposition of what one is going to say, and its distinction from what has already been said ; and return to a point set out already, and repetition ; and the use of formal syllogism ; then exaggeration[b] designed to overstate or understate the facts ; and interrogation, and the kindred device of rhetorical question, and the statement of one's own opinion ; then irony, or saying one thing and meaning another, which has a very great influence on the minds of the audience, and which is extremely entertaining if carried on in a conversational and not a declamatory tone ; next hesitation, then distinction, then correction of a statement either before or after one has made it, or
204 when one rejects its application to oneself ; also preparation applies to what one is going on to ; and transference of responsibility to someone else ; taking into partnership, which is a sort of consultation with one's audience ; imitation of manners and behaviour, either given in character or not, is a considerable ornament of style, and extremely effective in calming down an audience and often also in exciting
205 it ; impersonation of people, an extremely brilliant method of amplification ; picturing of results ; putting on the wrong scent ; raising a laugh ; forestalling the other side's case ; then two extremely effective figures, comparison and example ; division into parts, interruption, contrast of opposites, relapse into

reticentia, commendatio[1]; vox quaedam libera atque etiam effrenatior augendi causa; iracundia, obiurgatio, promissio, deprecatio, obsecratio, declinatio brevis a proposito (non ut superior illa degressio); purgatio, conciliatio, laesio, optatio atque exsecratio.
206 LIV. His fere luminibus illustrant orationem sententiae.

Orationis autem ipsius, tanquam armorum, est vel ad usum comminatio et quasi petitio vel ad venustatem ipsam[2] tractatio. Nam et geminatio verborum habet interdum vim, leporem alias, et paulum immutatum verbum atque deflexum, et eiusdem verbi crebra tum a primo repetitio, tum in extremum conversio, et in eadem verba impetus et concursio, et adiunctio, et progressio, et eiusdem verbi crebrius positi quaedam distinctio, et revocatio verbi, et illa quae similiter desinunt aut quae cadunt similiter aut quae paribus paria referuntur aut quae sunt inter
207 se similia. Est etiam gradatio quaedam et conversio et verborum concinna transgressio et contrarium et dissolutum et declinatio et reprehensio et exclamatio et imminutio, et quod in multis casibus ponitur et quod de singulis rebus propositis ductum refertur ad singula, et ad propositum subiecta ratio et item in distributis supposita ratio et permissio et rursum alia dubitatio et improvisum quiddam et dinumeratio

[1] comminatio *Kayser*. [2] *Reid:* ipsa.

[a] *Metathesis, e.g.* oportet esse ut vivas, non vivere ut edas (Wilkins). Just above the word has another sense.

[b] Not that at § 203 fin., the rhetorical statement of doubt as to action, but doubt as to which of two expressions to use.

silence, compliment; free use of the voice and even uncontrolled vociferation to amplify the effect; anger, invective, promise of proof, deprecation, entreaty, brief divergence from the subject (not on the scale of the digression mentioned above); self-justification, ingratiation, hard-hitting, appeals to the powers above
206 and imprecation. LIV. These roughly are the embellishments which the line of thought can employ to explain the meaning.

"Then as to the actual diction: this is like a weapon either employed for use, to threaten and to attack, or simply brandished for show. For there is sometimes force and in other cases charm in iteration of words, in slightly changing and altering a word, and in sometimes repeating the same word several times at the beginning of clauses and sometimes repeating the same word several times at their end, and starting and ending clauses with the same words, and attachment of a word, and climax, and assigning a different meaning to the same word used several times, and repetition of a word, and the employment of words that rhyme or have the same case-ending or balance
207 each other or sound alike. There is also advance step by step, and inversion,[a] and harmonious interchange of words, and antithesis, and omission of connecting particles, and change of subject, and self-correction, and exclamation, and abbreviation, and the use of a noun in several cases, and the reference of a term derived from several things mentioned to each of them separately, and the appending of a reason to a statement made, and also the assignment of a reason for separate details, and concession of a point, and again another kind of hesitation,[b] and an unexpected turn of expression, and enumeration of points, and another

Figures of speech.

et alia correctio et dissipatio et quod continuatum et interruptum, et imago et sibi ipsi responsio et immutatio et disiunctio et ordo et relatio et digressio
208 et circumscriptio. Haec enim sunt fere atque horum similia—vel plura etiam esse possunt—quae sententiis orationem verborumque conformationibus illuminant.[1]

LV. Quae quidem te, Crasse, video, inquit Cotta, quod nota esse nobis putes, sine definitionibus et sine exemplis effudisse.

Ego vero, inquit Crassus, ne illa quidem quae supra dixi nova vobis esse arbitrabar, sed voluntati
209 vestrum omnium parui. His autem de rebus sol me ille admonuit ut brevior essem, qui ipse iam praecipitans me quoque haec praecipitem paene evolvere coegit. Sed tamen huius generis demonstratio est et doctrina ipsa vulgaris ; usus autem gravissimus et
210 in hoc toto dicendi studio difficillimus. Quam ob rem quoniam de ornatu omni orationis sunt omnes si non patefacti at certe commonstrati loci, nunc quid aptum sit, hoc est, quid maxime deceat in oratione videamus. Quanquam id quidem perspicuum est non omni causae nec auditori neque personae neque
211 tempori congruere orationis unum genus. Nam et causae capitis alium quemdam verborum sonum requirunt, alium rerum privatarum atque parvarum ; et aliud dicendi genus deliberationes, aliud laudationes, aliud iudicia,[2] aliud sermones, aliud consolatio,

[1] *Kayser* : illuminent.
[2] [aliud iudicia] *Wilkins*.

[a] Not that mentioned in § 203 fin., but a mere substitution of a more correct word.

kind of correction,[a] and local distribution, and running on, and breaking off, and indication of similarity, and answering one's own question, and metonymy, and distinguishing terms, and order, and reference
208 back, and digression, and periphrasis. For these more or less are the figures—and possibly there may be even more also like them—that embellish oratory with thoughts and with arrangements of words."

LV. " And indeed, Crassus," said Cotta, " I notice that you have poured them out without giving definitions or examples, in the belief that we are familiar with them."

" O well," said Crassus, " I did not suppose that all I told you before either was new to you, but I
209 obeyed the general wish of the company. But in regard to the present subject I was warned to be brief by yonder sun, which is now rapidly setting, and which has compelled me likewise to develop this topic at an almost headlong pace. But all the same, an exposition of this sort and the doctrine itself are nothing out of the way, though practice is extremely important, and in the whole of this pursuit of oratory
210 extremely difficult. Consequently as the whole subject of decoration in oratory has now been, if not thoroughly explored, at all events fully indicated in all its departments, now let us consider the subject of appropriateness, that is, what style is most suitable in a speech. Although one point at least is obvious, that no single kind of oratory suits every cause or

Adaptation of style to occasion.

211 audience or speaker or occasion. For important criminal cases need one style of language and civil actions and unimportant cases another ; and different styles are required by deliberative speeches, panegyrics, lawsuits and lectures, and for consolation,

aliud obiurgatio, aliud disputatio, aliud historia desiderat. Refert etiam qui audiant, senatus an populus an iudices, frequentes an pauci an singuli, et quales; ipsique oratores qua sint aetate, honore, auctoritate[1]; tempus pacis an belli, festinationis an
212 otii. Itaque hoc loco nihil sane est quod praecipi posse videatur nisi ut figuram orationis plenioris et tenuioris et item illius mediocris ad id quod agemus ccommodatam deligamus. Ornamentis eisdem uti fere licebit alias contentius, alias summissius; omnique in re posse quod deceat facere artis et naturae est, scire quid quandoque deceat prudentiae.

213 LVI. Sed haec ipsa omnia perinde sunt ut aguntur. Actio, inquam, in dicendo una dominatur; sine hac summus orator esse in numero nullo potest, mediocris hac instructus summos saepe superare. Huic primas dedisse Demosthenes dicitur cum rogaretur quid in dicendo esset primum, huic secundas, huic tertias; quo mihi melius etiam illud ab Aeschine dictum videri solet, qui, cum propter ignominiam iudicii cessisset Athenis et se Rhodum contulisset, rogatus a Rhodiis,

[1] *Lambinus:* auctoritate debet videri.

protest, discussion and historical narrative, respectively. The audience also is important—whether it is the lords or the commons or the bench; a large audience or a small one or a single person, and their personal character; and consideration must be given to the age, station and office of the speakers themselves, and to the occasion, in peace time or during
212 a war, urgent or allowing plenty of time. And so at this point it does not in fact seem possible to lay down any rules except that we should choose a more copious or more restrained style of rhetoric, or likewise the intermediate style that has been specified, to suit the business before us. It will be open to us to use almost the same ornaments of style on some occasions in a more energetic and on others in a more quiet manner; and in every case while the ability to do what is appropriate is a matter of trained skill and of natural talent, the knowledge of what is appropriate to a particular occasion is a matter of practical sagacity.

Delivery, including voice and gesture.

213 LVI. "But the effect of all of these oratorical devices depends on how they are delivered. Delivery, I assert, is the dominant factor in oratory; without delivery the best speaker cannot be of any account at all, and a moderate speaker with a trained delivery can often outdo the best of them. The story goes that when Demosthenes was asked what is the first thing in speaking, he assigned the first rôle to delivery, and also the second, and also the third; and I constantly feel that this answer was actually outdone by the remark of Aeschines. That orator, having had a discreditable defeat in a lawsuit, had left Athens and betaken himself to Rhodes; there it is said that at the request of the citizens

legisse fertur orationem illam egregiam quam in Ctesiphontem contra Demosthenem dixerat; qua perlecta petitum est ab eo postridie ut legeret illam etiam quae erat contra a Demosthene pro Ctesiphonte edita; quam cum suavissima et maxima voce legisset, admirantibus omnibus, 'Quanto,' inquit, 'magis admiraremini si audissetis ipsum!' ex quo satis significavit quantum esset in actione, qui orationem
214 eamdem aliam esse putaret actore mutato. Quid fuit in Graccho, quem tu, Catule, melius meministi, quod me puero tantopere efferretur?[1] 'Quo me miser conferam? quo vertam? In Capitoliumne? at fratris sanguine redundat. An domum? matremne ut miseram lamentantemque videam et abiectam?' Quae sic ab illo acta esse constabat oculis, voce, gestu, inimici ut lacrimas tenere non possent.

Haec ideo dico pluribus quod genus hoc totum oratores, qui sunt veritatis ipsius actores, reliquerunt, imitatores autem veritatis, histriones, occupaverunt.
215 LVII. Ac sine dubio in omni re vincit imitationem veritas, et[2] ea si satis in actione efficeret ipsa per sese, arte profecto non egeremus; verum quia animi permotio, quae maxime aut declaranda aut imitanda est actione, perturbata saepe ita est ut obscuretur ac paene obruatur, discutienda sunt ea quae obscurant

[1] *Lambinus:* ferretur.
[2] et *Bakius:* sed.

he read the splendid speech that he had delivered against Ctesiphon, when Demosthenes was for the defence; and when he had read it, next day he was asked also to read the speech that had been made in reply by Demosthenes for Ctesiphon. This he did, in a very attractive and loud voice; and when everybody expressed admiration he said, 'How much more remarkable you would have thought it if you had heard Demosthenes himself!' thereby clearly indicating how much depends on delivery, as he thought that the same speech with a change of
214 speaker would be a different thing. In the case of Gracchus, whom you, Catulus, remember better than I do, what was there to be so highly extolled, when I was a boy? 'Unhappy that I am, where am I to go? Where am I to turn? To the Capitol? But the Capitol drips with my brother's blood. Or to my home? To see my unhappy mother lamenting and despondent?' And report says that he delivered this with such effective glances and tone of voice and gestures that even his enemies could not restrain their tears.

"My reason for dwelling on these points is because the whole of this department has been abandoned by the orators, who are the players that act real life, and has been taken over by the actors, who only
215 mimic reality. LVII. And there can be no doubt that reality beats imitation in everything; and if reality unaided were sufficiently effective in presentation, we should have no need at all for art. But because emotion, which mostly has to be displayed or else counterfeited by action, is often so confused as to be obscured and almost smothered out of sight, we have to dispel the things that

et ea quae sunt eminentia et prompta sumenda.
216 Omnis enim motus animi suum quemdam a natura habet vultum et sonum et gestum ; totumque corpus hominis et eius omnis vultus omnesque voces, ut nervi in fidibus, ita sonant ut a motu animi quoque sunt pulsae. Nam voces ut chordae sunt intentae quae ad quemque tactum respondeant, acuta gravis, cita tarda, magna parva, quas tamen inter omnes est suo quaeque in genere mediocris ; atque etiam illa sunt ab his delapsa plura genera, lene asperum, contractum diffusum, continenti spiritu intermisso, fractum scis-
217 sum, flexo sono attenuatum inflatum. Nullum est enim horum generum quod non arte ac moderatione tractetur ; hi sunt actori, ut pictori, expositi ad variandum colores. LVIII. Aliud enim vocis genus iracundia sibi sumat, acutum, incitatum, crebro incidens :

> Ipsus hortatur me frater ut meos malis miser
> Manderem natos . . .

et ea quae tu dudum, Antoni, protulisti :

> Segregare abs te ausu's . . .

et

> Ecquis hoc animadvertit ? Vincite . . .

et Atreus fere totus. Aliud miseratio ac moeror, flexibile, plenum, interruptum, flebili voce :

> Quo nunc me vertam ? quod iter incipiam ingredi ?
> Domum paternamne ? anne ad Peliae filias ?

[a] The precise meaning of these and of some of Cicero's other technical terms of music is doubtful.
[b] From Accius, *Atreus* (*Remains*, ii. pp. 390 f.).
[c] Book II, § 193.
[d] Ennius, *Medea* (*Remains*, i. pp. 320 f.).

obscure it and take up its prominent and striking
216 points. For nature has assigned to every emotion a particular look and tone of voice and bearing of its own ; and the whole of a person's frame and every look on his face and utterance of his voice are like the strings of a harp, and sound according as they are struck by each successive emotion. For the tones of the voice are keyed up like the strings of an instrument, so as to answer to every touch, high, low, quick, slow, *forte*, *piano*, while between all of these in their several kinds there is a medium note ; and there are also the various modifications derived from these, smooth or rough, limited or full in volume, *tenuto* or *staccato*, faint or harsh,[a] *diminuendo* or
217 *crescendo*. For there are none of these varieties that cannot be regulated by the control of art ; they are the colours available for the actor, as for the painter, to secure variety. LVIII. For one kind of tone must be taken by anger—shrill, hasty, with short abrupt clauses—

> Why, my very brother bids me miserably masticate
> Mine own children [b]—

and the line you quoted some time ago,[c] Antonius—

> Hast thou dared to sunder from thee—

and

> Will no one mark this ? Put in chains—

and almost the whole of *Atreus*. Another tone is proper for compassion and for sorrow, wavering, full, halting, in a mournful key :

> Whither shall I turn now ? on what path enter ?
> Seek my sire's house ? or turn to Pelias' daughters ? [d]

et illa :

O pater ! O patria ! O Priami domus

et quae sequuntur :

Haec omnia vidi inflammarei,
Priamo vi vitam evitarei.

218 Aliud metus, demissum et haesitans et abiectum,

Multimodis sum[1] circumventus, morbo, exsilio atque inopia :
Tum pavor sapientiam mihi omnem exanimato expectorat ;
Mater[2] terribilem minitatur vitae cruciatum et necem,
Quae nemo est tam firmo ingenio et tanta confidentia
Quin refugiat timido sanguen atque exalbescat metu.

219 Aliud vis, contentum, vehemens, imminens quadam incitatione gravitatis :

Iterum Thyestes Atreum attractatum advenit,
Iterum iam aggreditur me et quietum exsuscitat.
Maior mihi moles, maius miscendumst malum
Qui illius acerbum cor contundam et comprimam.

Aliud voluptas effusum, lene, tenerum, hilaratum ac remissum :

Sed sibi cum detulit coronam ob coligandas[3] nuptias,
Tibi ferebat ; cum simulabat se sibi alacriter dare,
Tum ad te ludibunda docte et delicate detulit.

Aliud molestia, sine commiseratione grave quiddam, et uno pressu ac sono obductum :

[1] *Müller* : multis sum modis.
[2] mater *add. Kayser.*
[3] collocandas, coiugandas *edd.*

[a] Ennius, *Andromache* (*Remains*, i. pp. 250-254 ; Vahlen, *Ennius*, *Scenica* 92, 97 f.).
[b] Ennius, *Alcmeo* (*Remains*, i. pp. 230 f.).
[c] Accius, *Atreus* (*Remains*, ii. pp. 382 f.).
[d] From an unknown source.

and the verse—

O father, O my country, O Priam's palace ![a]

and the lines that follow—

All of them I saw fiercely blazing,
And Priam's life by violence
Of life bereft.

218 Another belongs to fear, low and hesitating and despondent :

I am entrapped in many ways, by sickness, exile, poverty ;
Also alarm my fainting heart of every shred of wisdom robs :
My mother menaces my life with direful torture and with death,
And none could be so firm of spirit, none so confident of heart
But that hereat his blood would ebb with terror and his face turn pale.[b]

219 Another denotes energy ; this is intense, vehement, eager with a sort of impressive urgency :

Again Thyestes comes to grapple Atreus,
Again he approaches to disturb my peace.
More misery, more misfortune must I brew,
Wherewith to check and crush his cruel heart.[c]

Another is that of joy, gushing, smooth, tender, cheerful and gay :

But when she brought herself a wreath wherewith to tie the marriage knot,
For thee she brought it ; when she feigned to give it gaily t herself,
'Twas but in sport, to thee she bore it with adroitness and address.[d]

Another is the tone of dejection, a heavy kind of utterance, not employing appeal to compassion, drawn out in a single articulation and note :

Qua tempestate Paris Helenam innuptis iunxit nuptiis,
Ego tum gravida, expletis iam fere ad pariendum mensibus;
Per idem tempus Polydorum Hecuba partu postremo parit.

220 LIX. Omnes autem hos motus subsequi debet gestus, non hic verba exprimens scenicus sed universam rem et sententiam non demonstratione sed significatione declarans, laterum inflexione hac forti ac virili non ab scena et histrionibus sed ab armis aut etiam a palaestra; manus autem minus arguta, digitis subsequens verba, non exprimens, brachium procerius proiectum quasi quoddam telum orationis, supplosio pedis in contentionibus aut incipiendis aut
221 finiendis. Sed in ore sunt omnia, in eo autem ipso dominatus est omnis oculorum; quo melius nostri illi senes qui personatum ne Roscium quidem magnopere laudabant. Animi est enim omnis actio, et imago animi vultus, indices oculi; nam haec est una pars corporis quae quot animi motus sunt tot significationes et commutationes[1] possit efficere, neque vero est quisquam qui eadem conivens efficiat. Theophrastus quidem Tauriscum quemdam dixit actorem aversum solitum esse dicere qui in agendo
222 contuens aliquid pronuntiaret. Quare oculorum esto[2] magna moderatio; nam oris non est nimium mutanda species ne aut ad ineptias aut ad pravitatem aliquam

[1] [et commutationes] *Wilkins.*
[2] esto *nonnulli*: est.

[a] Probably from Pacuvius, *Iliona* (*Remains*, ii. pp. 243 f.).

What time did Paris mate with Helen, wedlock that no wedlock was,
I was with child, and now the months were ended and my time was near;
'Twas at that season Hecuba gave birth to Polydore, her last.[a]

220 LIX. "But all these emotions must be accompanied by gesture—not this stagy gesture reproducing the words but one conveying the general situation and idea not by mimicry but by hints, with this vigorous manly throwing out of the chest, borrowed not from the stage and the theatrical profession but from the parade ground or even from wrestling; but the movements of the hand must be less rapid, following the words and not eliciting them with the fingers; the arm thrown out rather forward, like an elocutionary missile; a stamp of the foot in beginning or
221 ending emphatic passages. But everything depends on the countenance, while the countenance itself is entirely dominated by the eyes; hence our older generation were better critics, who used not to applaud even Roscius very much when he wore a mask. For delivery is wholly the concern of the feelings, and these are mirrored by the face and expressed by the eyes; for this is the only part of the body capable of producing as many indications and variations as there are emotions, and there is nobody who can produce the same effect with the eyes shut. Theophrastus indeed declares that a certain Tauriscus used to speak of an actor that recited his lines on the stage with his gaze fixed on something
222 as 'turning his back on the audience.' Consequently there is need of constant management of the eyes, because the expression of the countenance ought not to be too much altered, for fear of slipping into looks

deferamur; oculi sunt, quorum tum intentione, tum remissione, tum coniectu, tum hilaritate motus animorum significemus apte cum genere ipso orationis. Est enim actio quasi sermo corporis, quo magis menti
223 congruens esse debet; oculos autem natura nobis, ut equo et leoni iubas, caudam, aures, ad motus animorum declarandos dedit, quare in hac nostra actione secundum vocem vultus valet; is autem oculis gubernatur. Atque in eis omnibus quae sunt actionis inest quaedam vis a natura data; quare etiam hac imperiti, hac vulgus, hac denique barbari maxime commoventur: verba enim neminem movent nisi eum qui eiusdem linguae societate coniunctus est, sententiaeque saepe acutae non acutorum hominum sensus praetervolant: actio, quae prae se motum animi fert, omnes movet; eisdem enim omnium animi motibus concitantur et eos eisdem notis et in aliis agnoscunt et in se ipsi indicant.

224 LX. Ad actionis autem usum atque laudem maximam sine dubio partem vox obtinet, quae primum est optanda nobis, deinde quaecumque erit ea tuenda. De quo illud iam nihil ad hoc praecipiendi genus quemadmodum voci serviatur, equidem tamen magnopere censeo serviendum; sed illud videtur ab

that are in bad taste or into some distortion; but it is the eyes that should be used to indicate the emotions, by now assuming an earnest look, now relaxing it, now a stare, and now a merry glance, in correspondence with the actual nature of the speech. For by action the body talks, so it is all the more
223 necessary to make it agree with the thought; and nature has given us eyes, as she has given the horse and the lion their mane and tail and ears, to indicate the feelings of the mind, so that in the matter of delivery which we are now considering the face is next in importance to the voice; and the eyes are the dominant feature in the face. And all the factors of delivery contain a certain force bestowed by nature; which moreover is the reason why it is delivery that has most effect on the ignorant and the mob and lastly on barbarians; for words influence nobody but the person allied to the speaker by sharing the same language, and clever ideas frequently outfly the understanding of people who are not clever, whereas delivery, which gives the emotion of the mind expression, influences everybody, for the same emotions are felt by all people and they both recognize them in others and manifest them in themselves by the same marks.

224 LX. "But for effectiveness and distinction in delivery the greatest share undoubtedly belongs to the voice. The gift of a voice is what we should pray for first, but then we should take care of such voice as we may have. As to this, the proper way of caring for the voice is no concern of the kind of instruction that we are considering, although all the same my own view is that very great care ought to be taken of it; but it does seem pertinent to the province

huius nostri sermonis officio non abhorrere quod, ut dixi paulo ante,[a] plurimis in rebus quod maxime est utile id nescio quo pacto etiam decet maxime. Nam ad vocem obtinendam nihil est utilius quam crebra mutatio, nihil perniciosius quam effusa sine intermis-
225 sione contentio. Quid, ad aures nostras et actionis suavitatem quid est vicissitudine et varietate et commutatione aptius? Itaque idem Gracchus (quod potes audire, Catule, ex Licinio cliente tuo, litterato homine, quem servum sibi ille habuit ad manum) cum eburneola solitus est habere fistula qui staret occulte post ipsum cum concionaretur peritum hominem qui inflaret celeriter eum sonum quo illum aut remissum excitaret aut a contentione revocaret.

Audivi mehercule, inquit Catulus, et saepe sum admiratus hominis cum diligentiam, tum etiam doctrinam et scientiam.

226 Ego vero, inquit Crassus, ac doleo quidem illos viros in eam fraudem in republica esse delapsos; quanquam ea tela texitur, et ea incitatur in civitate ratio vivendi ac posteritati ostenditur, ut eorum civium quos nostri patres non tulerunt iam similes habere cupiamus.

Mitte, obsecro, inquit, Crasse, Iulius, sermonem istum et te ad Gracchi fistulam refer, cuius ego non dum plane rationem intellego.

227 LXI. In omni voce, inquit Crassus, est quoddam medium, sed suum cuique voci: hinc gradatim

[a] § 178.

of our present discussion, that as I said a little earlier,[a] in a great many matters the thing that is most useful is also in a way the most becoming. Now for the preservation of the voice nothing is more useful than a frequent change of tone, and nothing more detrimental than continuous uninterrupted
225 exertion. Well, what is better suited to please our ears and secure an agreeable delivery than alternation and variation and change? Accordingly, the same Gracchus (as you, Catulus, may hear from that scholarly person, your retainer Licinius, who was a slave of Gracchus and acted as his amanuensis) made a practice of having a skilled attendant to stand behind him out of sight with a little ivory flageolet when he was making a speech, in order promptly to blow a note to rouse him when he was getting slack or to check him from overstraining his voice."

"To be sure I have heard it," said Catulus, "and I have often admired both the diligence and the learning and knowledge of the person in question."

226 "I certainly admire him myself," said Crassus, "and I regret, it is true, that those people fell into the error they did in their public life; though the pattern being woven into the texture of our politics and the principles of public conduct being fostered and displayed to future generations are such, that we only wish that we now possessed citizens resembling the ones that our fathers would not tolerate."

"Drop that subject, Crassus, I beg of you," said Julius, "and go back to Gracchus's flageolet, the principle of which I don't yet quite understand."

227 LXI. "In every voice," said Crassus, "there is a mean pitch, but each voice has its own; and for the voice to rise gradually from the mean is not only

ascendere vocem[1] et suave est (nam a principio clamare agreste quiddam est) et idem illud ad firmandam est vocem salutare; deinde est quoddam contentionis extremum, quod tamen interius est quam acutissimus clamor, quo te fistula progredi non sinet et iam ab ipsa contentione revocabit; est item contra quoddam in remissione gravissimum quoque tanquam sonorum gradibus descenditur. Haec varietas et hic per omnes sonos vocis cursus et se tuebitur et actioni afferet suavitatem. Sed fistulatorem domi relinquetis, sensum huius consuetudinis vobiscum ad forum deferetis.

228 Edidi quae potui, non ut volui sed ut me temporis angustiae coegerunt; scitum est enim causam conferre in tempus, cum afferre plura si cupias non queas.

Tu vero, inquit Catulus, collegisti omnia, quantum ego possum iudicare, ita divinitus ut non a Graecis didicisse sed eos ipsos haec docere posse videare. Me quidem istius sermonis participem factum esse gaudeo; ac vellem ut meus gener, sodalis tuus Hortensius affuisset; quem quidem ego confido omnibus istis laudibus quas tu oratione complexus es excellentem fore.

229 Et Crassus: Fore dicis? inquit, ego vero esse iam iudico et tum iudicavi cum me consule in senatu

[1] *v.l.* vocem utile.

agreeable (because it is a boorish trick to shout loudly at the beginning) but also beneficial for giving it strength; then there is an extreme point of elevation, which nevertheless falls short of the shrillest possible screech, and from this point the pipe will not allow one to go further, and will begin to call one back from the actual top note; and on the other side there is similarly an extreme point in the lowering of the pitch, the point reached in a sort of descending scale of sounds. This variation and this passage of the voice through all the notes will both safeguard itself and add charm to the delivery. But you will leave the piper at home, and only take with you down to the house the perception that his training gives you.

228 "I have given the best exposition I could, not as I should have liked but as compelled by the limited time available; for it is a wise plan to cut one's coat according to one's cloth, when one cannot add more even if one wishes." End of the debate.

"O but as for you," said Catulus, "so far as I can judge, you have gathered together the whole of the points with such genius, that you appear not to have learnt from the Greeks but to be competent to instruct the Greeks themselves in these subjects. For myself at all events it is a great satisfaction to have been admitted to share in your discourse; and I only wish my son-in-law, your friend Hortensius, had been here. He, I am convinced, will come to the top in all the accomplishments that you have included in oratory."

229 "Will come?" said Crassus; "no, in my judgement he is there already, and I formed this judgement when he defended the cause of Africa in the Senate

causam defendit Africae, nuperque etiam magis cum pro Bithyniae rege dixit. Quam ob rem recte vides, Catule, nihil enim isti adolescenti neque a natura

230 neque a doctrina deesse sentio. Quo magis est tibi, Cotta, et tibi, Sulpici, vigilandum ac laborandum; non enim ille mediocris orator vestrae quasi succrescit aetati, sed et ingenio peracri et studio flagranti et doctrina eximia et memoria singulari; cui quanquam faveo, tamen illum aetati suae praestare cupio, vobis vero illum tanto minorem praecurrere vix honestum est.

Sed iam surgamus, inquit, nosque curemus et aliquando ab hac contentione disputationis animos nostros curaque laxemus.

during my consulship, and even more so recently, when he spoke on behalf of the King of Bithynia. Consequently your view, Catulus, is correct, for I feel that the young man in question lacks no gift of

230 nature or of education. And this makes it all the more necessary for you, Cotta, and you, Sulpicius, to be watchful and diligent. For it is no ordinary orator who is growing up in the person of Hortensius to follow on after your generation, but one gifted with a very keen intelligence, ardent devotion to study, exceptional learning and an unrivalled memory; and though I favour him, nevertheless, while I am eager that he shall outstrip his own generation, still it would be hardly creditable for you that one so much your junior as he is should outstrip you.

"But now let us rise," he said, "and take some refreshment; this has been a very keen debate, and it is time to give our minds a rest from the strain."

DE FATO

Others apart sat on a hill retired
In thoughts more elevate, and reason'd high
Of providence, foreknowledge, will, and fate,
Fix'd fate, free will, foreknowledge absolute;
And found no end, in wand'ring mazes lost.
MILTON, *Paradise Lost*, Book I.

INTRODUCTION

Of this essay only a part has come down to us; a few quotations from the larger part which is lost occur in later writers. It belongs to the encyclopaedia of philosophy on the composition of which Cicero embarked, after the death of his daughter Tullia in February 45 B.C., as the best service that he could render to his fellow-countrymen now that he had retired from public life. He continued working at these writings until his return to the political arena in the autumn of 44 B.C. A scheme of them will be found in *De Divinatione*, ii. §§ 1-4, where it appears that *De Fato* is an appendix to the treatise on theology formed by the three books of *De Natura Deorum* and the two books of *De Divinatione*. The same is implied in the preface to *De Fato*, § 1; and it appears from § 2 that the book was written after the death of Caesar in March 44 B.C.

The work is in the shape of a dialogue held between Cicero and Hirtius, at Cicero's villa at Puteoli (Pozzuoli on the Bay of Naples). Hirtius had been a personal and political friend of Caesar, serving as his *legatus* in Gaul in 58 B.C., and was one of the ten praetors nominated by him in 46 B.C. After his praetorship he received Belgic Gaul as his province for 44 B.C., but governed it by deputy, and attended on Caesar at Rome. Caesar nominated him consul

for 43 B.C. After Caesar's assassination Hirtius joined Antony, but was disgusted by his despotic arrogance, and retired to Puteoli, where he had a place near Cicero's. On 27th April 43 he fell in action against Antony, who was besieging Mutina. Though political opponents, Cicero and Hirtius were on very friendly terms as neighbours in the country, and had studious interests in common (*Ad Fam.* vii. 23, ix. 6, *De Fato* §§ 2, 3). Cicero had given lessons in oratory to Hirtius and Pansa, whom he used to call 'discipulos et grandes praetextatos' (Suetonius, *De Rhet.* 1).

Contents

The Introduction (§§ 1-4) implies that the book began with a discourse of Hirtius, but this is lost. What survives is part of Cicero's reply, but even this, as appears from § 41, is the second of two speeches made by him, the first having disappeared. The surviving fragment begins (§§ 6, 7) with the end of a refutation of the fatalism of Posidonius the Stoic, pupil of Panaetius and friend of Cicero. Posidonius had argued that the fact of omens shows that the future follows inevitably from the past; Cicero replies that events may equally well be due to chance. He then (§§ 7-17) turns to the view of Chrysippus, the third head and second founder of the Stoic school, and argues that although external circumstances do affect character and conduct, the will is free. Chrysippus was countered by the logic of his contemporary, the Megarian Diodorus. Epicurus's 'swerve' of the atom (§§ 18-23) is not required to avoid fatalism, since secondary causes are accidental; and Carneades,

the Academic of the second century, is right in teaching (§§ 23-25) that free-will means freedom from external compulsion, not absence of rational motive. Indeed (26-30) fate truly means only universal causation, which in part is casual; it does not mean necessity, or imply fatalism and inaction. Volition (31-38) is a fact, and circumstances are only secondary causes of action. In fact (39-45) Chrysippus steered a middle course between fatalism and freedom, and inclined to the latter, which is supported by the psychology of volition and also that of perception. . . . (§§ 46-48) Epicurus's uncaused 'swerve' is meaningless.

Editions

The text of this edition of *De Fato* is based on that in Nobbe's complete Cicero (Leipzig, 1827). Nobbe revised his book for a second edition (1850), and appended critical notes; those on *De Fato* are at p. 1387. There is an edition of *De Fato* with critical notes and a commentary by 'Henricus Alanus, Hibernicus' (London, 1839), and a Teubner text by Ax (Leipzig, 1938).

M. TULLI CICERONIS

DE FATO

1 I. . . . quia pertinet ad mores, quod ἦθος illi vocant, nos eam partem philosophiae de moribus appellare solemus, sed decet augentem linguam Latinam, nominare moralem. Explicandaque vis est ratioque enuntiationum, quae Graeci ἀξιώματα vocant; quae de re futura cum aliquid dicunt deque eo quod possit fieri aut non possit, quam vim habeant obscura quaestio est, quam περὶ δυνατῶν philosophi appellant; totaque est λογική, quam 'rationem disserendi' voco. Quod autem in aliis libris feci, qui sunt de natura deorum, itemque in eis quos de divinatione edidi, ut in utramque partem perpetua explicaretur oratio, quo facilius id a quoque probaretur quod cuique maxime probabile videretur, id in hac disputatione de fato
2 casus quidam ne facerem impedivit. Nam cum essem in Puteolano, Hirtiusque noster consul designatus

[a] *i.e.* the department of philosophy termed Ethics, the name being derived from *ēthos*, 'character.'
[b] The term here means 'judgements,' not 'axioms.'
[c] '*About Things Possible*,' Theory of Possibilities.

MARCUS TULLIUS CICERO

DE FATO

Introduction: Latin terminology.

1 I. . . . because it[a] relates to character, called in Greek *ēthos*, while we usually term that part of philosophy 'the study of character,' but the suitable course is to add to the Latin language by giving this subject the name of 'moral science.' It is also necessary to expound the meaning and the theory of propositions, called in Greek *axiōmata*[b]; what validity these have when they make a statement about a future event and about something that may happen or may not is a difficult field of inquiry, entitled by philosophers *Peri Dynatōn*[c]; and the whole subject is *Logikē*, which I call 'the theory of discourse.' The method which I pursued in other volumes, those on the Nature of the Gods, and also in those which I have published on Divination, was that of setting out a continuous discourse both for and against, to enable each student to accept for himself the view that seems to him most probable; but I was prevented by accident[d] from adopting it

Scene and persons of dialogue.

2 in the present discussion on the subject of Fate. For I was at my place at Puteoli,[e] and my friend Hirtius,

[d] What is referred to does not appear.
[e] See Introduction, p. 189.

eisdem in locis, vir nobis amicissimus et eis studiis in quibus nos a pueritia viximus deditus, multum una eramus, maxime nos quidem exquirentes ea consilia quae ad pacem et ad concordiam civium pertinerent. Cum enim omnes post interitum Caesaris novarum perturbationum causae quaeri viderentur, eisque esse occurrendum putaremus, omnis fere nostra in eis deliberationibus consumebatur oratio, idque et saepe alias, et quodam liberiore quam solebat et magis vacuo ab interventoribus die, cum ille ad me venisset, primo ea quae erant cotidiana et quasi legitima nobis, de pace et de otio.

3 II. Quibus actis, Quid ergo? inquit ille, quoniam oratorias exercitationes non tu quidem ut spero reliquisti, sed certe philosophiam illis anteposuisti, possumne aliquid audire?

Tu vero, inquam, vel audire vel dicere; nec enim, id quod recte existimas, oratoria illa studia deserui, quibus etiam te incendi, quamquam flagrantissimum acceperam, nec ea quae nunc tracto minuunt sed augent potius illam facultatem. Nam cum hoc genere philosophiae quod nos sequimur magnam habet orator societatem, subtilitatem enim ab Academia mutuatur et ei vicissim reddit ubertatem orationis et ornamenta dicendi. Quam ob rem,

the consul designate, a very close friend of mine and a devoted student of the subjects that have occupied my life from boyhood, was in the neighbourhood. Consequently we were a great deal together, being engrossed as we for our part were in seeking for a line of policy that might lead to peace and concord in the state. For since the death of Caesar it had seemed as if a search was being made for every possible means of causing fresh upheavals, and we thought that resistance must be offered to these tendencies. Consequently almost all our conversation was spent in considering those matters,—and this both on many other occasions and also, on a day less occupied by engagements than usual and less interrupted by visitors, Hirtius having come to my house, we began with our daily and regular topics of peace and tranquillity.

3 II. These dealt with, Hirtius remarked, "What now? I hope you have not actually abandoned your oratorical exercises, though you have undoubtedly placed philosophy in front of them; well then, is it possible for me to hear something?"

"Well," I said, "you can either hear something or say something yourself; for you are right in supposing that I have not abandoned my old interest in oratory,—indeed I have kindled it in you also, although you came to me an ardent devotee already; and moreover my oratorical powers are not diminished by the subjects that I now have in hand, but rather increased. For there is a close alliance between the orator and the philosophical system of which I am a follower, since the orator borrows subtlety from the Academy and repays the loan by giving to it a copious and flowing style and rhetorical ornament

inquam, quoniam utriusque studii nostra possessio est, hodie utro frui malis optio sit tua.

Tum Hirtius: Gratissimum, inquit, et tuorum omnium simile; nihil enim umquam abnuit meo
4 studio voluntas tua. Sed quoniam rhetorica mihi vestra sunt nota teque in eis et audivimus saepe et audiemus, atque hanc Academicorum contra propositum disputandi consuetudinem indicant te suscepisse Tusculanae disputationes, ponere aliquid ad quod audiam, si tibi non est molestum, volo.

An mihi, inquam, potest quidquam esse molestum quod tibi gratum futurum sit? Sed ita audies ut Romanum hominem, ut timide ingredientem ad hoc genus disputandi, ut longo intervallo haec studia repetentem.

Ita, inquit, audiam te disputantem ut ea lego quae scripsisti; proinde ordire. Considamus hic.

. . . .
. . . .

5 III. . . . quorum in aliis, ut in Antipatro poeta, ut in brumali die natis, ut in simul aegrotantibus fratribus, ut in urina, ut in unguibus, ut in reliquis eiusmodi, naturae contagio valet, quam ego non tollo—vis est nulla fatalis; in aliis autem fortuita quaedam esse possunt, ut in illo naufrago, ut in Icadio, ut in Daphita. Quaedam etiam Posidonius (pace

[a] Cicero is replying to the lost thesis of Hirtius, promised in § 4; indeed the words *in prima oratione*, § 40, seem to show that this is a second speech from Cicero, his first one being lost, with the rejoinder to it that Hirtius presumably made.

[b] Unknown, as is the Icadius mentioned in this sentence, and also the meaning of the other instances of divination here quoted.

This being so," I said, "as both fields of study fall within our province, to-day it shall be for you to choose which you prefer to enjoy."

"That is most kind of you," rejoined Hirtius, "and exactly like what you do always; for your willingness
4 never refuses anything to my inclination. But I am acquainted with the rhetorical discourses of your school, and have often heard and also often shall hear you in them; moreover your Tusculan Disputations show that you have adopted this Academic practice of arguing against a thesis advanced; consequently I am willing to lay down some thesis in order that I may hear the counter-arguments, if this is not disagreeable to you."

"Can anything be disagreeable to me," I said, "that will be agreeable to you? But you will hear me speaking as a true Roman, as one who is nervous in entering on this kind of discussion, and who is returning to these studies after a long interval."

"I shall listen to your discourse in the same spirit as I read your writings; so begin. Let us sit down here."

. . . .
. . . .

All omens ambiguous; no proof of fate.

5 III. " . . . [a] in some of which, for instance in the case of the poet Antipater,[b] in that of persons born on the shortest day, or of brothers who are ill at the same time, in the cases of urine and finger-nails and other things of that kind, natural connexion operates, and this I do not exclude—it is not a predestined compelling force at all; but in other cases there can be some elements of chance, for instance with the shipwrecked sailor we spoke of, or Icadius, or Daphitas. Some cases even seem (if the

magistri dixerim) comminisci videtur; sunt quidem[1] absurda. Quid enim? si Daphitae fatum fuit ex equo cadere atque ita perire, ex hocne equo, qui cum equus non esset nomen habebat alienum? aut Philippus hasne in capulo quadrigulas vitare monebatur? quasi vero capulo sit occisus. Quid autem magnum aut naufragum illum sine nomine in rivo esse lapsum—quamquam huic quidem hic scribit praedictum in aqua esse pereundum? ne hercule Icadii quidem praedonis video fatum ullum; nihil enim scribit ei
6 praedictum: quid mirum igitur ex spelunca saxum in crura eius incidisse? puto enim, etiam si Icadius tum in spelunca non fuisset, saxum tamen illud casurum fuisse, nam aut nihil est omnino fortuitum aut hoc ipsum potuit evenire fortuna. Quaero igitur (atque hoc late patebit), si fati omnino nullum nomen nulla natura nulla vis esset, et forte temere casu aut pleraque fierent aut omnia, num aliter ac nunc eveniunt evenirent? Quid ergo attinet inculcare fatum, cum sine fato ratio omnium rerum ad naturam fortunamve referatur?

7 IV. Sed Posidonium sicut aequum est cum bona

[1] quidem *Davisius*: inquam quidem *codd.*: quidem inquam *Moser*.

[a] Posidonius.

[b] Daphitas was an epigrammatist, who tricked the oracle at Delphi by asking it whether he should find his horse; being answered that he should, he rejoined that he had never had a horse. He was punished by Attalus, king of Pergamum, by being thrown from a rock called The Horse (Hippos).

[c] Philip of Macedon had been warned by an oracle to beware of a chariot, and would never ride in one; but the sword with which he was assassinated (336 B.C.) had a chariot-race carved in ivory on its hilt.

master[a] will excuse my saying so) to be the invention of Posidonius; at all events they are ridiculous. For consider: suppose it was Daphitas's destiny to fall off his horse and meet his end in that way, was it off this horse, which as it was not a real horse had a name that did not belong to it?[b] or was it against these little four-in-hands on the sword-hilt that Philip used to be warned to be on his guard?[c] just as if it was the hilt of a sword that killed him! Again, what is there remarkable about that nameless ship-wrecked sailor's having fallen into a brook? although in his case indeed our authority does write that he had been warned that he was to meet his end in the water. Even in the case of the brigand Icadius I swear I can't see any trace of destiny; for the story
6 does not say that he had any warning, so that if a rock from the roof of a cave did fall on his legs, what is there surprising about it? for I suppose that even if Icadius had not been in the cave at the time, that rock would have fallen all the same, since either nothing at all is fortuitous or it was possible for this particular event to have happened by fortune. What I want to know therefore is (and this is a matter that will have a wide bearing), if there were no such word at all as fate, no such thing, no such force, and if either most things or all things took place by mere casual accident, would the course of events be different from what it is now? What is the point then of harping on fate, when everything can be explained by reference to nature and fortune without bringing fate in?

7 IV. "But let us give Posidonius the polite dis-

gratia dimittamus, ad Chrysippi laqueos revertamur. Cui quidem primum de ipsa rerum contagione respondeamus, reliqua postea persequemur. Inter locorum naturas quantum intersit videmus : alios esse salubres, alios pestilentes, in aliis esse pituitosos et quasi redundantes, in aliis exsiccatos atque aridos ; multaque sunt alia quae inter locum et locum plurimum differant. Athenis tenue caelum, ex quo etiam[1] acutiores putantur Attici, crassum Thebis, itaque pingues Thebani et valentes. Tamen neque illud tenue caelum efficiet ut aut Zenonem quis aut Arcesilam aut Theophrastum audiat, neque crassum
8 ut Nemea[2] potius quam Isthmo[3] victoriam petat. Diiunge[4] longius : quid enim loci natura afferre potest ut in porticu Pompeii potius quam in campo ambulemus ? tecum quam cum alio ? Idibus potius quam Kalendis ? Ut igitur ad quasdam res natura loci pertinet aliquid, ad quasdam autem nihil, sic affectio astrorum valeat si vis ad quasdam res, ad omnes certe non valebit. At enim quoniam in naturis hominum dissimilitudines sunt, ut alios dulcia alios subamara delectent, alii libidinosi alii iracundi aut crudeles aut superbi sint, alii a[5] talibus vitiis abhorreant,—quoniam igitur, inquit, tantum natura a

[1] etiam : *v.l.* omnes. [2] Nemeae ? *Rackham.*
[3] in Isthmo ? *Rackham.* [4] diiungo *cod. unus.*
[5] a *addidit Lambinus.*

[a] One of a group of public buildings built near the Campus Martius by Pompey; in one stood his statue, at the base of which Caesar was murdered.

Environment affects the character but not the will;

missal that he deserves and return to the subtleties of Chrysippus. And first let us answer him on the actual influence of connexion ; the other points we will go on to afterwards. We see the wide difference between the natural characters of different localities : we notice that some are healthy, others unhealthy, that the inhabitants of some are phlegmatic and as it were overcharged with moisture, those of others parched and dried up ; and there are a number of other very wide differences between one place and another. Athens has a rarefied climate, which is thought also to cause sharpness of wit above the average in the population ; at Thebes the climate is dense, and so the Thebans are stout and sturdy. All the same the rarefied air of Athens will not enable a student to choose between the lectures of Zeno, Arcesilas and Theophrastus, and the dense air of Thebes will not make a man try to win a race at Nemea
8 rather than at Corinth. Carry the distinction further: tell me, can the nature of the locality cause us to take our walk in Pompey's Porch[a] rather than in the Campus ? in your company sooner than in someone else's ? on the 15th of the month rather than on the 1st ? Well then, just as the nature of the locality has some effect on some things but none on others, so the condition of the heavenly bodies may if you like influence some things, but it certainly will not influence everything. You will say that inasmuch as there are differences in the natures of human beings that cause some to like sweet things, others slightly bitter things, and make some licentious and others prone to anger or cruel or proud, while others shrink in horror from vices of that sort, therefore, we are told, inasmuch as there is so wide a difference

natura distat, quid mirum est has dissimilitudines ex differentibus causis esse factas?

9 V. Haec disserens qua de re agatur et in quo causa consistat non videt. Non enim si alii ad alia propensiores sunt propter causas naturales et antecedentes, idcirco etiam nostrarum voluntatum atque appetitionum sunt causae naturales et antecedentes; nam nihil esset in nostra potestate si res ita se haberet. Nunc vero fatemur, acuti hebetesne, valentes imbecilline simus, non esse id in nobis, qui autem ex eo cogi putat ne ut sedeamus quidem aut ambulemus voluntatis esse, is non videt quae quamque rem res consequatur. Ut enim et ingeniosi et tardi ita nascantur, antecedentibus causis, itemque valentes et imbecilli, non sequitur tamen ut etiam sedere et ambulare et rem agere aliquam principa-
10 libus causis definitum et constitutum sit. Stilponem, Megaricum philosophum, acutum sane hominem et probatum temporibus illis accepimus. Hunc scribunt ipsius familiares et ebriosum et mulierosum fuisse, neque haec scribunt vituperantes sed potius ad laudem, vitiosam enim naturam ab eo sic edomitam et compressam esse doctrina ut nemo umquam vinolentum illum, nemo in eo libidinis vestigium viderit. Quid? Socratem nonne legimus quemadmodum notarit Zopyrus physiognomon, qui se profitebatur hominum mores naturasque ex corpore oculis

between one nature and another, what is there surprising in the view that these points of unlikeness result from different causes?

9 V. "In putting forward this view Chrysippus fails to see the question at issue and the point with which the argument is dealing. For it does not follow that if differences in men's propensities are due to natural and antecedent causes, therefore our wills and desires are also due to natural and antecedent causes; for if that were the case, we should have no freedom of the will at all. But as it is, though we admit that it does not rest with ourselves whether we are quick-witted or dull, strong or weak, yet the person who thinks that it necessarily follows from this that even our choice between sitting still and walking about is not voluntary fails to discern the true sequence of cause and effect. For granted that clever people and stupid people are born like that, owing to antecedent causes, and that the same is true of the strong and the weak, nevertheless it does not follow that our sitting and walking and performing some action
10 are also settled and fixed by primary causes. The Megarian philosopher Stilpo, we are informed, was undoubtedly a clever person and highly esteemed in his day. Stilpo is described in the writings of his own associates as having been fond of liquor and of women, and they do not record this as a reproach but rather to add to his reputation, for they say that he had so completely mastered and suppressed his vicious nature by study that no one ever saw him the worse for liquor or observed in him a single trace of licentiousness. Again, do we not read how Socrates was stigmatized by the 'physiognomist' Zopyrus, who professed to discover men's entire characters and

and the will modifies the character which controls action.

vultu fronte pernoscere? stupidum esse Socratem dixit et bardum quod iugula concava non haberet —obstructas eas partes et obturatas esse dicebat; addidit etiam mulierosum, in quo Alcibiades cachin-
11 num dicitur sustulisse. Sed haec ex naturalibus causis vitia nasci possunt, exstirpari autem et funditus tolli, ut is ipse qui ad ea propensus fuerit a tantis vitiis avocetur, non est positum in naturalibus causis, sed in voluntate studio disciplina; quae tollentur[1] omnia si vis et natura fati ex divinationis ratione firmabitur.

VI. Etenim si est divinatio, qualibusnam a perceptis artis proficiscitur ('percepta' appello quae dicuntur Graece θεωρήματα)? Non enim credo nullo percepto aut ceteros artifices versari in suo munere aut eos qui divinatione utantur futura praedicere.
12 Sunt igitur astrologorum percepta huiusmodi: 'Si quis (verbi causa) oriente Canicula natus est, is in mari non morietur.' Vigila, Chrysippe, ne tuam causam, in qua tibi cum Diodoro valente dialectico magna luctatio est, deseras. Si enim est verum quod ita conectitur, 'Si quis oriente Canicula natus est, in

[1] *Rackham:* tolluntur *codd.*

[a] See *Tusculans* iv. 37. Socrates admitted that the character-reader had told his natural propensities correctly, but said that they had been overcome by philosophy.

[b] *Ars* means 'a science,' theoretical or practical, a systematized collection of facts; the term survives at the universities in the title *Magister Artium*, which meant 'qualified teacher of the sciences.' *Scientia* means 'knowledge,' a psychological term, denoting a state or action of the mind.

natures from their body, eyes, face and brow? he said that Socrates was stupid and thick-witted because he had not got hollows in the neck above the collar-bone—he used to say that these portions of his anatomy were blocked and stopped up; he also added that he was addicted to women—at which Alci-
11 biades is said to have given a loud guffaw![a] But it is possible that these defects may be due to natural causes; but their eradication and entire removal, recalling the man himself from the serious vices to which he was inclined, does not rest with natural causes, but with will, effort, training; and if the potency and the existence of fate is proved from the theory of divination, all of these will be done away with.

Divination implies a necessary sequence of events.

VI. "Indeed, if divination exists, what pray is the nature of the scientific[b] observations (I use the term 'observations' to render *theōrēmata*) which are its source? For I do not believe that those who practise divination dispense entirely with the use of observation in foretelling future events, any more than do the practitioners of all the other sciences in
12 pursuing their own function. Well then, here is a specimen of the observations of the astrologers: 'If (for instance) a man was born at the rising of the dogstar, he will not die at sea.' Keep a good look-out, Chrysippus, so as not to leave your position undefended; you have a great tussle about it with that stalwart logician Diodorus.[c] For if the connexion of propositions 'If anyone was born at the rising of the dogstar, he will not die at sea' is true, the

[c] Head of the Megarian School *c.* 300 B.C., known as ὁ διαλεκτικός.

mari non morietur,' illud quoque verum est, 'Si Fabius oriente Canicula natus est, Fabius in mari non morietur.' Pugnant igitur haec inter se, Fabium oriente Canicula natum esse et Fabium in mari moriturum, et quoniam certum in Fabio ponitur natum esse eum Canicula oriente, haec quoque pugnant, et esse Fabium et in mari esse moriturum. Ergo haec quoque coniunctio est ex repugnantibus, 'Et est Fabius et in mari Fabius morietur,' quod ut propositum est ne fieri quidem potest. Ergo illud, 'Morietur in mari Fabius,' ex eo genere est quod fieri non potest. Omne igitur quod falsum dicitur in futuro, id fieri
13 non potest. VII. At hoc, Chrysippe, minime vis, maximeque tibi de hoc ipso cum Diodoro certamen est. Ille enim id solum fieri posse dicit quod aut sit verum aut futurum sit verum, et quidquid futurum sit id dicit fieri necesse esse et quidquid non sit futurum id negat fieri posse. Tu et quae non sint futura posse fieri dicis, ut frangi hanc gemmam etiam si id numquam futurum sit, neque necesse fuisse Cypselum regnare Corinthi quamquam id millesimo ante anno Apollinis oraculo editum esset. At si ista comprobabis divina praedicta, et quae falsa in futuris dicentur in eis habebis ut ea fieri non possint (ut si dicatur Africanum Karthagine non esse[1] potiturum), et si vere dicatur de futuro idque ita futurum sit,

[1] non esse *add. Alanus* (ut si . . . potiturum *secl. edd.*).

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[a] What particular member (if any) of this large and distinguished clan is referred to is not known.

[b] Scipio Africanus Minor took Carthage 146 B.C. He was found dead in his bed at Rome, 129 B.C., and it was generally

following connexion is also true, 'If Fabius[a] was born at the rising of the dogstar, Fabius will not die at sea.' Consequently the propositions 'Fabius was born at the rising of the dogstar' and 'Fabius will die at sea' are incompatible, and since that he was born at the rising of the dogstar is predicated with certainty in the case of Fabius, the propositions 'Fabius exists' and 'Fabius will die at sea' are also incompatible. Therefore also 'Fabius exists and Fabius will die at sea' is a conjunction of incompatibles, which as propounded is an impossibility. Therefore the proposition 'Fabius will die at sea' belongs to the class of impossibilities. Therefore every false proposition about the future is an im-
13 possibility. VII. But this is a view that you, Chrysippus, will not allow at all, and this is the very point about which you are specially at issue with Diodorus. He says that only what either is true or will be true is a possibility, and whatever will be, he says, must necessarily happen, and whatever will not be, according to him cannot possibly happen. You say that things which will not be are also 'possible'—for instance it is possible for this jewel to be broken even if it never will be—, and that the reign of Cypselus at Corinth was not necessary although it had been announced by the oracle of Apollo a thousand years before. But if you are going to sanction divine prophecies of that sort, you will reckon false statements as to future events (for instance a prophecy that Africanus was not going to take Carthage[b]) as being in the class of things impossible, and also, if a thing is truly stated about the future and it will be

Chrysippus denies Diodorus's identification of 'possible' with 'necessary';

thought that he had been murdered (*cf.* § 18), but this was never proved.

dicas esse necessarium est[1]; quae est tota Diodori
14 vobis inimica sententia. Etenim si illud vere conectitur, 'Si oriente Canicula natus es, in mari non morieris,' primumque quod est[2] in conexo, 'Natus es oriente Canicula,' necessarium est (omnia enim vera in praeteritis necessaria sunt, ut Chrysippo placet dissentienti a magistro Cleanthe, quia sunt immutabilia nec in falsum e vero praeterita possunt convertere[3])—si igitur quod primum in conexo est necessarium est, fit etiam quod sequitur necessarium. Quamquam hoc Chrysippo non videtur valere in omnibus; sed tamen si naturalis est causa cur in mari Fabius non moriatur, in mari Fabius mori non potest.

15 VIII. Hoc loco Chrysippus aestuans falli sperat Chaldaeos ceterosque divinos, neque eos usuros esse coniunctionibus ut ita sua percepta pronuntient, 'Si quis natus est oriente Canicula, is in mari non morietur,' sed potius ita dicant, 'Non et natus est quis oriente Canicula et is in mari morietur.' O licentiam iocularem! ne ipse incidat in Diodorum, docet Chaldaeos quo pacto eos exponere percepta oporteat. Quaero enim, si Chaldaei ita loquantur ut negationes infinitarum coniunctionum potius quam infinita conexa ponant, cur idem medici, cur geometrae, cur reliqui facere non possint? Medicus in

[1] est *add. Rackham.* [2] est *add. Moser.*
[3] *v.l.* converti.

so, you would have to say that it is so; but the whole of this is the view of Diodorus, which is alien to your
14 school. For if the following is a true connexion, 'If you were born at the rising of the dogstar you will not die at sea,' and if the first proposition in the connexion, 'You were born at the rising of the dogstar,' is necessary (for all things true in the past are necessary, as Chrysippus holds, in disagreement with his master Cleanthes, because they are unchangeable and because what is past cannot turn from true into false)—if therefore the first proposition in the connexion is necessary, the proposition that follows also becomes necessary. Although Chrysippus does not think that this holds good universally; but all the same, if there is a natural cause why Fabius should not die at sea, it is not possible for Fabius to die at sea.

15 VIII. "At this point Chrysippus gets nervous and expresses a hope that the Chaldaeans and the rest of the prophets are mistaken, and that they will not employ conjunctions of propositions putting out their observations in the form 'If anyone was born at the rising of the dogstar he will not die at sea,' but rather will say 'It is not the case both that some person was born at the rising of the dogstar and that that person will die at sea.' O what amusing presumption! to avoid falling into the hands of Diodorus himself he tutors the Chaldaeans as to the proper form in which to set out their observations! For I ask you, if the Chaldaeans adopt the procedure of setting forth negations of indefinite conjunctions rather than indefinite sequences, why should it not be possible for doctors and geometricians and the other professions to do likewise? Take a doctor to begin with:

but this denial is refuted by formal logic.

primis quod erit ei perspectum in arte non ita proponet, 'Si cui venae sic moventur, is habet febrem,' sed potius illo modo, 'Non et venae sic cui[1] moventur et febrem is non habet.' Itemque geometres non ita dicet, 'In sphaera maximi orbes medii inter se dividuntur,' sed potius illo modo, 'Non et sunt in sphaera maximi orbes et hi non medii inter se dividuntur.'
16 Quid est quod non possit isto modo ex conexo transferri ad coniunctionum negationem? Et quidem aliis modis easdem res efferre possumus. Modo dixi, 'In sphaera maximi orbes medii inter se dividuntur'; possum dicere 'Si in sphaera maximi orbes erunt,' possum dicere 'Quia in sphaera maximi orbes erunt.' Multa genera sunt enuntiandi, nec ullum distortius quam hoc quo Chrysippus sperat Chaldaeos contentos Stoicorum causa fore. Illorum tamen nemo ita loquitur; maius est enim has contortiones orationis quam signorum ortus obitusque perdiscere.
17 IX. Sed ad illam Diodori contentionem quam περὶ δυνατῶν appellant revertamur, in qua quid valeat id quod fieri possit anquiritur. Placet igitur Diodoro id solum fieri posse quod aut verum sit aut verum futurum sit. Qui locus attingit hanc quaestionem, nihil fieri quod non necesse fuerit, et quid-

[1] non . . . sic cui *Müller:* non ei (*vel* enim) venae sic *codd.*

[a] See § 1 note *c*.

he will not set forth a scientific principle that he has ascertained in this form, 'If a person's pulse is so and so, he has got a fever,' but rather as follows, 'It is not the case both that a person's pulse is so and so and that he has not got a fever.' And similarly a geometrician will not speak as follows, 'The greatest circles on a sphere bisect each other,' but rather as follows, 'It is not the case both that there are certain circles on the surface of a sphere that are the greatest and that these circles do not bisect each other.'
16 What is there that cannot be carried over in that sort of way from the form of a necessary consequence to that of a negation of conjoined statements? And in fact we can express the same thing in other ways. Just now I said 'The greatest circles on a sphere bisect each other'; but it is possible for me to say 'If certain circles on a sphere are the greatest,' and it is possible for me to say 'Because certain circles on a sphere will be the greatest.' There are many ways of stating a proposition, and none is more twisted round than this one, which Chrysippus hopes that the Chaldaeans will accommodate the Stoics by accepting. Yet none of the Chaldaeans really use that sort of language, for it is a bigger task to familiarize oneself with these contorted modes of expression than with the risings and settings of the constellations.
17 IX. "But let us go back to the argument of Diodorus already mentioned, which they term *Peri Dynatōn*,[a] in which the meaning of the term 'possible' is investigated. Well, Diodorus holds that only what either is true or will be true is possible. This position is connected with the argument that nothing happens which was not necessary, and that

Diodorus's theory restated and upheld

quid fieri possit, id aut esse iam aut futurum esse, nec magis commutari ex veris in falsa ea posse quae futura sint quam ea quae facta sint; sed in factis immutabilitatem apparere, in futuris quibusdam, quia non appareat,[1] ne inesse quidem videri, ut in eo qui mortifero morbo urgeatur verum sit 'Hic morietur hoc morbo,' at hoc idem si vere dicatur in eo in quo vis morbi tanta non appareat, nihilo minus futurum sit. Ita fit ut commutatio ex vero in falsum ne in futuro quidem ulla fieri possit. Nam 'Morietur Scipio' talem vim habet ut, quamquam de futuro dicitur, tamen id non possit convertere[2] in falsum;
18 de homine enim dicitur, cui necesse est mori. Sic si diceretur, 'Morietur noctu in cubiculo suo Scipio vi oppressus,' vere diceretur, id enim fore diceretur quod esset futurum, futurum autem fuisse ex eo quia factum est intellegi debet. Nec magis erat verum 'Morietur Scipio' quam 'Morietur illo modo,' nec magis[3] necesse mori Scipionem quam illo modo mori, nec magis immutabile ex vero in falsum 'Necatus est Scipio' quam 'Necabitur Scipio'; nec, cum haec ita sint, est causa cur Epicurus fatum extimescat et ab atomis petat praesidium easque de

[1] *edd.*: appareret *codd.*
[2] *v.l.* converti.
[3] *Ramus*: minus.

[a] See § 13 note *b*.

whatever is possible either is now or will be, and that it is no more possible for things that will be to alter than it is for things that have happened; but that whereas in the things that have happened this immutability is manifest, in some things that are going to happen, because their immutability is not manifest, it does not appear to be there at all, and consequently, while the statement 'This man will die of this disease' is true in the case of a man who is suffering from a deadly disease, if this same statement is made truly in the case of a man in whom so violent an attack of the disease is not manifest, none the less it will happen. It follows that no change from true to false can occur even in the case of the future. For 'Scipio will die' has such validity that although it is a statement about the future it cannot be converted into a falsehood, for it is a statement about a human being, who must inevitably
18 die. If the form of the statement had been 'Scipio will die by violence in his bedroom at night,'[a] the statement in that form would have been a true one, for it would have been a statement that a thing was going to happen that was going to happen, and that it was going to happen is a necessary inference from the fact that it did happen. Neither was 'Scipio will die' any truer than 'Scipio will die in that manner,' nor was it more inevitable for Scipio to die than it was for him to die in that manner, nor was it more impossible for the statement 'Scipio has been murdered' to change from a truth to a falsehood than for the statement 'Scipio will be murdered'; nor, these things being so, is there any reason for Epicurus's standing in terror of fate and seeking protection against it from the atoms and making them

Nevertheless Epicurus's 'swerve' needless to avoid

via deducat, et uno tempore suscipiat res duas inenodabiles, unam ut sine causa fiat aliquid—, ex quo exsistet ut de nihilo quippiam fiat, quod nec ipsi nec cuiquam physico placet—alteram ut, cum duo individua per inanitatem ferantur, alterum e regione
19 moveatur, alterum declinet. Licet enim Epicuro, concedenti omne enuntiatum aut verum aut falsum esse, non vereri ne omnia fato fieri sit necesse; non enim aeternis causis naturae necessitate manantibus verum est id quod ita enuntiatur, 'Descendet[1] in Academiam Carneades,' nec tamen sine causis, sed interest inter causas fortuito antegressas et inter causas cohibentes in se efficientiam naturalem. Ita et semper verum fuit 'Morietur cum duo et septuaginta annos vixerit, archonte Pytharato,' neque tamen erant causae fatales cur ita accideret, sed quod ita
20 cecidit[2] certe casurum[3] sicut cecidit fuit. Nec ei qui dicunt immutabilia esse quae futura sint nec posse verum futurum convertere[4] in falsum, fati necessitatem confirmant, sed verborum vim interpretantur; at qui introducunt causarum seriem sempiternam,

[1] *Loercher:* descendit.
[2] *Bremius:* cecidisset.
[3] <serie> certa <causarum> casurum *edd.*
[4] *v.l.* converti.

[a] Epicurus held that, as the atoms fall vertically through space at the same velocity, they would never meet, were it not that any one of them occasionally makes an entirely uncaused swerve, thus sometimes coming into collision with other atoms and ultimately producing one of the clusters of atoms of which visible things consist. Such a swerve taking

swerve out of the perpendicular,[a] and entertaining simultaneously two utterly inexplicable propositions, one that something takes place without a cause—from which it will follow that something comes out of nothing, which neither Epicurus nor any natural philosopher allows—, the other that when two atoms are travelling through empty space one moves in a
19 straight line and the other swerves. For it is not necessary for Epicurus to fear lest, when he admits that every proposition is either true or false, all events must necessarily be caused by fate; for the truth of a proposition of the form 'Carneades will go down to the Academy' is not due to an eternal stream of natural and necessary causation, and yet nevertheless it is not uncaused, but there is a difference between causes accidentally precedent and causes intrinsically containing a natural efficiency. Thus it is the case *both* that the statement 'Epicurus will die in the archonship of Pytharatus,[b] at the age of seventy-two,' was always true, *and* also that nevertheless there were no fore-ordained causes why it should so happen, but, because it did so fall out, it was certainly going to
20 fall out as it actually did.[c] Moreover those who say that things that are going to be are immutable and that a true future event cannot be changed into a false one, are not asserting the necessity of fate but explaining the meaning of terms; whereas those who bring in an everlasting series of causes rob the

fatalism since secondary causes are accidental

place among the atoms of a man's mind is what is known to his consciousness as an act of arbitrary volition: this was Epicurus's method of proving the freedom of the will. See §§ 21 ff. and Lucretius ii. 216 ff.

[b] 270 B.C.

[c] Editors emend the text to give 'was going to befall by a definite series of causes.'

ei mentem hominis voluntate libera spoliatam necessitate fati devinciunt.

X. Sed haec hactenus; alia videamus. Concludit enim Chrysippus hoc modo: 'Si est motus sine causa, non omnis enuntiatio (quod ἀξίωμα dialectici appellant) aut vera aut falsa erit, causas enim efficientes quod non habebit id nec verum nec falsum erit; omnis autem enuntiatio aut vera aut falsa est;
21 motus ergo sine causa nullus est. Quod si ita est, omnia quae fiunt causis fiunt antegressis; id si ita est, omnia fato fiunt; efficitur igitur fato fieri quaecumque fiant.' Hic primum si mihi libeat assentiri Epicuro et negare omnem enuntiationem aut veram esse aut falsam, eam plagam potius accipiam quam fato omnia fieri comprobem; illa enim sententia aliquid habet disputationis, haec vero non est tolerabilis. Itaque contendit omnes nervos Chrysippus ut persuadeat omne ἀξίωμα aut verum esse aut falsum. Ut enim Epicurus veretur ne, si hoc concesserit, concedendum sit fato fieri quaecumque fiant (si enim alterutrum ex aeternitate verum sit, esse id etiam certum, et si certum, etiam necessarium: ita et necessitatem et fatum confirmari putat), sic Chrysippus metuit ne, si non obtinuerit omne quod enuntietur aut verum esse aut falsum, non teneat omnia
22 fato fieri et ex causis aeternis rerum futurarum. Sed Epicurus declinatione atomi vitari fati necessitatem putat; itaque tertius quidam motus oritur extra

[a] See § 1 note *b*.

human mind of freewill and fetter it in the chains of a fated necessity.

Chrysippus proved fates by formal logic.

X. "But enough of these subjects; let us examine others. For Chrysippus argues thus: 'If uncaused motion exists, it will not be the case that every proposition (termed by the logicians an *axiōma* [a]) is either true or false, for a thing not possessing efficient causes will be neither true nor false; but every proposition is either true or false; therefore uncaused
21 motion does not exist. If this is so, all things that take place take place by precedent causes; if this is so, all take place by fate; it therefore follows that all things that take place take place by fate.' At this point, in the first place if I chose to agree with Epicurus and to say that not every proposition is either true or false, I would rather suffer that nasty knock than agree that all events are caused by fate; for the former opinion has something to be said for it, but the latter is intolerable. Accordingly Chrysippus exerts every effort to prove the view that every *axiōma* is either true or false. For just as Epicurus is afraid that if he admits this he will also have to admit that all events whatever are caused by fate (on the ground that if either of two alternatives is true from all eternity, that alternative is also certain, and if it is certain it is also necessary. This, he thinks, would prove both necessity and fate), similarly Chrysippus fears that if he fails to maintain that every proposition is either true or false he will not carry his point that all things happen by fate and spring
22 from eternal causes governing future events. But Epicurus thinks that the necessity of fate is avoided by the swerve of an atom; and so in addition to gravity and impact there arises a third form of

Epicurus's 'swerve' as basis for free-will

pondus et plagam, cum declinat atomus intervallo minimo (id appellat ἐλάχιστον). Quam declinationem sine causa fieri, si minus verbis, re cogitur confiteri; non enim atomus ab atomo pulsa declinat, nam qui potest pelli alia ab alia si gravitate feruntur ad perpendiculum corpora individua rectis lineis, ut Epicuro placet? sequitur autem[1] ut, si alia ab alia numquam depellatur, ne contingat quidem alia aliam; ex quo efficitur, etiam si sit atomus eaque declinet, declinare[2] sine causa.

23 Hanc Epicurus rationem induxit ob eam rem quod veritus est ne, si semper atomus gravitate ferretur naturali ac necessaria, nihil liberum nobis esset, cum ita moveretur animus ut atomorum motu cogeretur. Id Democritus auctor atomorum accipere maluit, necessitate omnia fieri, quam a corporibus individuis naturales motus avellere. XI. Acutius Carneades, qui docebat posse Epicureos suam causam sine hac commenticia declinatione defendere. Nam cum docerent esse posse quemdam animi motum voluntarium, id fuit defendi melius quam introducere declinationem, cuius praesertim causam reperire non possent; quo defenso facile Chrysippo possent resistere, cum enim concessissent motum nullum esse sine causa, non concederent omnia quae fierent fieri causis antecedentibus, voluntatis enim nostrae

24 non esse causas externas et antecedentes. Communi

[1] autem *Davisius*: enim *cum codd. Usener, Plasberg.*
[2] *v.l.* declinare eam, *sed cf.* § *24 fin.*

[a] *i.e.* asserted dogmatically, not put as an inference from the atomic theory.

motion, when the atom swerves sideways a minimal space (termed by Epicurus *elachiston*). Also he is compelled to profess in reality, if not quite explicitly, that this swerve takes place without cause; for the atom does not swerve in consequence of being struck by another atom, since how can impact between them take place if they are indivisible bodies travelling perpendicularly in straight lines by the force of gravity, as Epicurus holds? but it follows that if one is never driven aside by another, one will never even meet another; the consequence is that, even granting that the atom exists and that it swerves, the swerve is uncaused.

23 "The reason why Epicurus brought in this theory was his fear lest, if the atom were always carried along by the natural and necessary force of gravity, we should have no freedom whatever, since the movement of the mind was controlled by the movement of the atom. The author of the atomic theory, Democritus, preferred to accept the view that all events are caused by necessity, rather than to deprive the atoms of their natural motions. XI. Carneades showed greater insight: his doctrine was that the school of Epicurus could have maintained its cause without this fictitious swerve. For it would have been better for the dogma of the possibility of some voluntary movement of the mind to be maintained[a] than for them to introduce the swerve, especially as they were unable to invent a cause for it; and by maintaining that dogma they could easily have withstood Chrysippus, for in admitting that no motion is uncaused they would not have been admitting that all events are due to antecedent causes, as they would have said that there are no external and antecedent

Proved needless by Carneades: free-will means volition without *external* cause.

igitur consuetudine sermonis abutimur cum ita dicimus, velle aliquid quempiam aut nolle sine causa; ita enim dicimus sine causa ut dicamus sine externa et antecedente causa, non sine aliqua. Ut cum vas inane dicimus, non ita loquimur ut physici, quibus inane esse nihil placet, sed ita ut verbi causa sine aqua, sine vino, sine oleo vas esse dicamus, sic, cum sine causa animum moveri dicimus, sine antecedente et externa causa moveri, non omnino sine causa dicimus. De ipsa atomo dici potest, cum per inane moveatur gravitate et pondere, sine causa moveri, quia nulla

25 causa accedat extrinsecus; rursus autem, ne omnes a physicis[1] irrideamur si dicamus quidquam fieri sine causa, distinguendum est et ita dicendum, ipsius individui hanc esse naturam ut pondere et gravitate moveatur, eamque ipsam esse causam cur ita feratur. Similiter ad animorum motus voluntarios non est requirenda externa causa; motus enim voluntarius eam naturam in se ipse continet ut sit in nostra potestate nobisque pareat, nec id sine causa, eius

26 enim rei causa ipsa natura est. Quod cum ita sit, quid est cur non omnis pronuntiatio aut vera aut falsa sit, nisi concesserimus fato fieri quaecumque fiant? Quia futura vera, inquit, non possunt esse

[1] a physicis *edd.*: physici *codd.* (homines *vel* omnibus a *pro* omnes *edd.*, omnes physici rideant nos *Müller*).

24 causes of our volition. Therefore when we use the expression 'Somebody wishes (or does not wish) something without cause,' we are perverting the accepted convention of language; for we are using the phrase 'without cause' in the sense of 'without an external and antecedent cause,' not 'without a cause of some kind.' Just as when we say that a vessel is empty we do not use the expression in the sense in which it is used by the natural philosophers, who hold that no absolute vacuum exists, but we employ it to mean that the vessel has (for example) no water in it, or wine, or oil, similarly when we say that the mind moves without cause we mean that it moves without an antecedent external cause, not without any cause at all. Motion without cause can be predicated of the atom itself in moving through void by reason of gravity and weight, because there is no additional

25 cause from outside; but on the other hand, for fear lest we all be laughed at by the natural philosophers if we say that anything takes place without a cause, a distinction must be made, and the matter must be put in this way, that it is the nature of the atom itself to be kept in motion by weight and gravity, and that its nature is itself the cause of its travelling in this manner. Similarly no external cause need be sought to explain the voluntary movements of the mind; for voluntary motion possesses the intrinsic property of being in our power and of obeying us, and its obedience is not uncaused, for its nature is itself the

Universal causation implies fate, but not necessity: some causes are fortuitous;

26 cause of this. This being so, what is the reason why every proposition is not either true or false, if we do not allow that whatever takes place is caused by fate? The reason is, says he, that future things that have not got causes *why* they will be in the future

ea quae causas cur futura sint non habent; habeant igitur causas necesse est ea quae vera sunt; ita cum evenerint, fato evenerint. XII. Confectum negotium, siquidem tibi concedendum est aut fato omnia fieri
27 aut quidquam posse fieri sine causa. An aliter haec enuntiatio vera esse potest,[1] 'Capiet Numantiam Scipio,' nisi ex aeternitate causa causam serens hoc erit effectura? an hoc falsum potuisset esse si esset sexcentis saeculis ante dictum? Et si tum non esset vera haec enuntiatio, 'Capiet Numantiam Scipio,' ne illa quidem eversa vera est haec enuntiatio, 'Cepit Numantiam Scipio.' Potest igitur quicquam factum esse quod non verum fuerit futurum esse? Nam ut praeterita ea vera dicimus quorum superiore tempore vera fuerit instantia, sic futura quorum consequenti tempore vera erit instantia, ea vera dicemus.
28 Nec si omne enuntiatum aut verum aut falsum est, sequitur ilico esse causas immutabiles, easque aeternas, quae prohibeant quidquam secus cadere atque casurum sit. Fortuitae sunt causae quae efficiant, ut vere dicantur quae ita dicentur, 'Veniet in senatum Cato,' non inclusae in rerum natura atque mundo; et tamen tam est immutabile venturum, cum est verum, quam venisse (nec ob eam causam fatum aut necessitas extimescenda est); etenim erit confiteri necesse 'Si haec enuntiatio, "Veniet in Tusculanum

[1] potest *Rackham*: non potest *codd.*

cannot be true; therefore those that are true must necessarily have causes; accordingly when they have occurred they will have occurred by fate. XII. That ends the business, inasmuch as you are bound to admit either that everything takes place by fate or that
27 something can take place without a cause. Consider the statement 'Scipio will take Numantia'[a]: if an external chain of interlinked causes is not going to bring this about, can it be true[b] in any other manner? could it have been false if it had been said innumerable ages ago? And if the statement 'Scipio will take Numantia' had not been true then, even after Numantia has fallen the statement 'Scipio has taken Numantia' is not true either. Therefore is it possible for anything to have happened that was not previously going to be true? For just as we speak of past things as true that possessed true actuality at some former time, so we speak of future things as true that will possess true actuality at some following
28 time. Yet it does not immediately follow from the fact that every statement is either true or false that there are immutable causes, eternally existing, that forbid anything to fall out otherwise than it will fall out. The causes which bring it about that statements of the form 'Cato will come into the Senate' are true statements, are fortuitous, they are not inherent in the nature of things and the order of the universe; and nevertheless 'he will come,' when true, is as immutable as 'he has come' (though we need not on that account be haunted by fear of fate or necessity), for it will necessarily be admitted that if the statement 'Hortensius will come to his place

[a] Scipio (*cf.* § 13 note) took Numantia in Spain 133 B.C.
[b] The MSS. give 'can it be not true.'

Hortensius," vera[1] non est, sequitur ut falsa sit.' Quorum isti neutrum volunt; quod fieri non potest.

Nec nos impediet illa ignava ratio quae dicitur; appellatur enim quidam a philosophis ἀργὸς λόγος, cui si pareamus nihil omnino agamus in vita. Sic enim interrogant: 'Si fatum tibi est ex hoc morbo convalescere, sive medicum adhibueris sive non ad-
29 hibueris convalesces; item, si fatum tibi est ex hoc morbo non convalescere, sive tu medicum adhibueris sive non adhibueris non convalesces; et alterutrum fatum est; medicum ergo adhibere nihil attinet.' XIII. Recte genus hoc interrogationis ignavum atque iners nominatum est, quod eadem ratione omnis e vita tolletur actio. Licet etiam immutare, ut fati nomen ne adiungas et eamdem tamen teneas sententiam, hoc modo: 'Si ex aeternitate verum hoc fuit, "Ex isto morbo convalesces," sive adhibueris medicum sive non adhibueris convalesces; itemque, si ex aeternitate falsum hoc fuit, "Ex isto morbo[2] convalesces," sive adhibueris medicum sive non adhibu-
30 eris non convalesces'; deinde cetera. Haec ratio a Chrysippo reprehenditur. Quaedam enim sunt, inquit, in rebus simplicia, quaedam copulata; simplex est, 'Morietur illo die Socrates'; huic, sive quid fecerit sive non fecerit, finitus est moriendi dies. At si ita fatum est,[3] 'Nascetur Oedipus Laio,' non poterit dici, 'sive fuerit Laius cum muliere sive non fuerit';

[1] *v.l.* verum . . . falsum (*sic edd. quidam, et* hoc enuntiatum *pro* haec enuntiatio).
[2] morbo *edd.:* morbo non *codd.* [3] *Madvig:* erit.

[a] On a spur of Mons Albanus, ten miles S.E. of Rome, near Frascati.
[b] The Latin is a translation of the Greek term that follows.

at Tusculum'[a] is not true, it follows that it is false. Our opponents hold that it is neither; which is impossible.

"Nor shall we for our part be hampered by what is called the 'idle argument'[b]—for one argument is named by the philosophers the *Argos Logos*, because if we yielded to it we should live a life of absolute inaction. For they argue as follows: 'If it is fated for you to recover from this illness, you will recover
29 whether you call in a doctor or do not; similarly, if it is fated for you not to recover from this illness, you will not recover whether you call in a doctor or do not; and either your recovery or your non-recovery is fated; therefore there is no point in calling in a doctor.' XIII. This mode of arguing is rightly called 'idle' and indolent, because the same train of reasoning will lead to the entire abolition of action from life. It is even possible to alter the form by not introducing the word 'fate' and yet to retain the same meaning, thus: 'If the statement "You will recover from that illness" has been true from all eternity, you will recover whether you call in a doctor or do not; and similarly if the statement "You will recover from that illness" has been false from all eternity, you will not recover whether you call in a doctor or not'—the conclusion following as before.
30 This argument is criticized by Chrysippus. For, he says, there exist in actuality two classes of facts, simple and complex. An instance of a simple fact is 'Socrates will die at a given date'; in this case, whether he does some action or does not do it, the day of his death has been determined. But if it is fated that 'Laius will have a son Oedipus,' it will not be possible for the words 'whether Laius mates with a

and the existence of fate does not mean inaction:

action is fated, as well as its object.

copulata enim res est et confatalis: sic enim appellat quia ita fatum sit, et concubiturum cum uxore Laium et ex ea Oedipum procreaturum: ut si esset dictum, 'Luctabitur Olympiis Milo,' et referret aliquis, 'Ergo sive habuerit adversarium, sive non habuerit luctabitur,' erraret; est enim copulatum 'luctabitur,' quia sine adversario nulla luctatio est. Omnes igitur istius generis captiones eodem modo refelluntur. 'Sive tu adhibueris medicum sive non adhibueris, convalesces' captiosum; tam enim est fatale medicum adhibere quam convalescere. Haec, ut dixi, confatalia ille appellat.

31 XIV. Carneades genus hoc totum non probabat et nimis inconsiderate concludi hanc rationem putabat. Itaque premebat alio modo, nec ullam adhibebat calumniam; cuius erat haec conclusio: 'Si omnia antecedentibus causis fiunt, omnia naturali colligatione conserte contexteque fiunt; quod si ita est, omnia necessitas efficit; id si verum est, nihil est in nostra potestate. Est autem aliquid in nostra potestate. At, si omnia fato fiunt, omnia causis antecedentibus fiunt. Non igitur fato fiunt quaecumque

32 fiunt.' Haec[1] artius astringi ratio non potest. Nam si quis velit idem referre, atque ita dicere, 'Si omne futurum ex aeternitate verum est, ut ita certe eveniat quemadmodum sit futurum, omnia necesse est colligatione naturali conserte contexteque fieri,'

[1] hoc *Turnebus*.

[a] συνειμαρμένον.

[b] This famous wrestler won six times at Olympia in the later years of the 6th cent. B.C.

woman or does not' to be added, for the matter is complex and 'condestinate'[a]—he gives that name to it because he thinks it is fated both that Laius will lie with a wife and that he will beget Oedipus by her: in the same way as, supposing it were said that 'Milo[b] will wrestle at Olympia' and somebody replied 'If so, he will wrestle whether he has an opponent or not,' he would be wrong; for 'will wrestle' is a complex statement, because there can be no wrestling without an opponent. Therefore all captious arguments of that sort can be refuted in the same way. 'You will recover whether you call in a doctor or do not' is captious, for calling in a doctor is just as much fated as recovering. These connected events, as I said, are termed by Chrysippus 'condestinate.'

Carneades held that volition disproves fate, and that only necessary results can be predicted.

31 XIV. "Carneades refused to accept this class of things entirely, and held the view that the line of argument in question was not quite accurately thought out. In consequence he used to put his case in another manner, and did not employ any trickery; his argument ran like this: 'If everything takes place with antecedent causes, all events take place in a closely knit web of natural interconnexion; if this is so, all things are caused by necessity; if this is true, nothing is in our power. But something is in our power. Yet if all events take place by fate, there are antecedent causes of all events. Therefore it is not the case that whatever events take place take

32 place by fate.' This line of argument cannot be made more rigidly conclusive. For if anybody chose to repeat the same point and to put it thus, 'If all that will be is from eternity true, so that it must certainly turn out as it will be, events necessarily take place in a closely knit web of natural interconnexion,'

nihil dicat. Multum enim differt utrum causa naturalis ex aeternitate futura vera efficiat an etiam sine aeternitate naturali futura quae sint ea vera esse possint intellegi. Itaque dicebat Carneades ne Apollinem quidem futura posse dicere nisi ea quorum causas natura ita contineret ut ea fieri necesse esset.
33 Quid enim spectans deus ipse diceret Marcellum eum qui ter consul fuit in mari esse periturum? erat quidem hoc verum ex aeternitate, sed causas id efficientes non habebat. Ita ne praeterita quidem ea quorum nulla signa tamquam vestigia exstarent Apollini nota esse censebat, quanto[1] minus futura, causis enim efficientibus quamque rem cognitis posse denique sciri quid futurum esset; ergo nec de Oedipode potuisse Apollinem praedicere nullis in rerum natura causis praepositis cur ab eo patrem interfici necesse esset, nec quidquam eiusmodi. XV. Quocirca si Stoicis qui omnia fato fieri dicunt consentaneum est huiusmodi oracula ceteraque quae ad divinationem pertinent[2] comprobare, eis[3] autem qui quae futura sunt ea vera esse ex aeternitate dicunt non idem dicendum est, vide ne non eadem sit illorum

[1] *v.l.* quo.
[2] pertinent: *v.l.* dicuntur: pertinere dicuntur *edd. nonnulli*, a divinatione ducuntur *Madvig*.
[3] eis: <de> eis *? Rackham*.

[a] M. Claudius Marcellus, consul 166, 155 and 152 B.C.,

he would be talking nonsense. For it makes a great deal of difference whether a natural cause, existing from all eternity, renders future things true, or things that are going to be in the future can be understood to be true even without any natural eternity. Accordingly Carneades used to say that not even Apollo could tell any future events except those whose causes were so held together by nature
33 that they must necessarily happen. For what consideration could lead the god himself to say that the Marcellus who was three times consul was going to die at sea?[a] this had indeed been true from all eternity, but it had no efficient causes. Therefore Carneades held the view that Apollo had no knowledge even of these past events which had left behind them no trace of their passage—how much less had he knowledge of future events, for only by knowing the efficient causes of all things was it possible to know the future; therefore it was impossible for Apollo to foretell the fate of Oedipus when there were no causes fore-ordained in the nature of things making it necessary for him to murder his father, nor could he foretell anything of the sort.

Hence the Academy cannot defend prophecy, which assumes necessary causation.

XV. Hence if, while it is consistent for the Stoics, who say that all things happen by fate, to accept oracles of this sort and all the other things connected with divination, yet the same position cannot be held by[b] those who say that the things which are going to happen in the future have been true from all eternity, observe that their case is not the same as

was shipwrecked in 148 B.C. when going on an embassy to Masinissa, king of Numidia.
[b] Perhaps the Latin should be altered to give 'the same cannot be said about.'

causa et Stoicorum; hi enim urgentur angustius,
34 illorum ratio soluta ac libera est. Quodsi concedatur
nihil posse evenire nisi causa antecedente, quid profi-
ciatur si ea causa non ex aeternis causis apta dicatur?[1]
Causa autem ea est quae id efficit cuius est causa,
ut vulnus mortis, cruditas morbi, ignis ardoris. Ita-
que non sic causa intellegi debet ut quod cuique ante-
cedat id ei causa sit, sed quod cuique efficienter
antecedat, nec quod in campum descenderim id
fuisse causae cur pila luderem, nec Hecubam causam
interitus fuisse Troianis quod Alexandrum genuerit,
nec Tyndareum Agamemnoni quod Clytaemnestram.
Hoc enim modo viator quoque bene vestitus causa
35 grassatori fuisse dicetur cur ab eo spoliaretur. Ex
hoc genere illud est Ennii,

> utinam ne in nemore Pelio securibus
> caesae accidissent abiegnae ad terram trabes!

Licuit vel altius, 'Utinam ne in Pelio nata ulla umquam esset arbor!' etiam supra, 'Utinam ne esset mons ullus Pelius!' similiterque superiora repetentem regredi infinite licet.

> Neve inde navis inchoandi exordium
> cepisset.

Quorsum haec praeterita? quia sequitur illud,

[1] *v.l.* ducatur.

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[a] Ennius adapted Euripides's *Medea*, which begins:

> *εἴθ᾿ ὤφελ᾿ Ἀργοῦς μὴ διαπτάσθαι σκάφος*
> *Κόλχων ἐς αἶαν κυανέας Ξυμπληγάδας,*
> *μηδ᾿ ἐν νάπαισι Πηλίου πεσεῖν ποτε*
> *τμηθεῖσα πεύκη μηδ᾿ ἐρετμῶσαι χέρας*
> *ἀνδρῶν ἀριστέων οἳ τὸ πάγχρυσον δέρας*
> *Πελίᾳ μετῆλθον· οὐ γὰρ ἂν δέσποιν᾿ ἐμὴ*
> *Μήδεια πύργους γῆς ἔπλευσ᾿ Ἰωλκίας,*
> *ἔρωτι θυμὸν ἐκπλαγεῖσ᾿ Ἰάσονος.*

Pēlion or Pēlios was a mountain range in Thessaly.

that of the Stoics; for their position is more limited
and narrow, whereas the Stoic theory is untrammelled
34 and free. Even if it be admitted that nothing can
happen without an antecedent cause, what good
would that be unless it be maintained that the cause
in question is a link in an eternal chain of causation?
But a cause is that which makes the thing of which
it is the cause come about—as a wound is the cause
of death, failure to digest one's food of illness, fire of
heat. Accordingly 'cause' is not to be understood
in such a way as to make what precedes a thing the
cause of that thing, but what precedes it effectively:
the cause of my playing tennis was not my going
down into the Campus, nor did Hecuba's giving birth
to Alexander make her the cause of the death of
Trojans, nor was Tyndareus the cause of Agamem-
non's death because he was the father of Clytem-
nestra. For on those lines a well-dressed traveller
also will be said to have been the cause of the high-
35 wayman's robbing him of his clothes. To this class
of expression belongs the phrase of Ennius[a]—

Distinction between circumstances and efficient causes.

> Would that in Pelius' glade the pine-tree beams
> Had never fallen to earth by axes hewn!

He might have gone even further back, 'Would that no tree had ever grown on Pelius!' and even further, 'Would that no Mount Pelius existed!' and similarly one may go on recalling preceding events in infinite regress.

> Nor thence had made inception of the task
> Of laying down a ship.

What is the point of recounting these past events? because what follows is this:

nam numquam era errans mea domo ecferret pedem
Medea, animo aegra, amore saevo saucia,

non erat[1] ut eae res causam afferrent amoris.

36 XVI. Interesse autem aiunt utrum eiusmodi quid sit sine quo aliquid effici non possit an eiusmodi quo aliquid effici necesse sit. Nulla igitur earum est causa, quoniam nulla eam rem sua vi efficit cuius causa dicitur; nec id sine quo quippiam non fit causa est, sed id quod cum accessit id cuius causa est efficit necessario. Nondum enim ulcerato serpentis morsu Philocteta quae causa in rerum natura continebatur fore ut is in insula Lemno linqueretur? post autem
37 causa fuit propior et cum exitu iunctior. Ratio igitur eventus aperuit[2] causam; sed ex aeternitate vera fuit haec enuntiatio, 'Relinquetur in insula Philoctetes,' nec hoc ex vero in falsum poterat convertere.[3] Necesse est enim in rebus contrariis duabus—contraria autem hoc loco ea dico quorum alterum ait quid, alterum negat—ex eis igitur necesse est invito Epicuro alterum verum esse, alterum falsum, ut 'Sauciabitur Philocteta' omnibus ante saeculis verum fuit, 'Non sauciabitur' falsum; nisi forte volumus Epicureorum opinionem sequi, qui tales enuntiationes

[1] erat *addidit Rackham.*
[2] *Rackham:* aperit *codd.*
[3] *v.l.* converti.

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[a] The Latin text is here corrupt.
[b] Modern logic terms such propositions 'contradictory.'

For were it so, my roving royal mistress,
Medea, from her home had ne'er set forth,
Heartsick and by love's cruel weapon wounded.

It was not the case that those events brought the cause of love.[a]

36 XVI. "But they declare that there is a difference whether a thing is of such a kind that something cannot be effected without it, or such that something must necessarily be effected by it. None of the causes mentioned therefore is really a cause, since none by its own force effects the thing of which it is said to be the cause; nor is that which is a condition of a thing's being effected a cause, but that of which the access necessarily produces the thing of which it is the cause. For at the time when the snake-bite had not yet caused Philoctetes to be afflicted with a sore, what cause was contained in the nature of things that would bring it to pass that he would be marooned on the Isle of Lemnos? whereas afterwards the cause was nearer and more closely
37 connected with his death. Therefore it was the principle underlying the result that revealed the cause; but the proposition 'Philoctetes will be marooned on an island' had been true from all eternity, and this could not be turned from a truth into a falsehood. For it is necessary that of two contrary propositions—by contrary I here mean propositions one of which affirms something and the other denies it[b] —of these two propositions therefore it is necessary, *pace* Epicurus, that one should be true and the other false; for example, 'Philoctetes will be wounded' was true, and 'Philoctetes will not be wounded' false, for the whole of the ages of the past; unless perhaps we choose to follow the opinion of the Epi-

nec veras nec falsas esse dicunt, aut, cum id pudet, illud tamen dicunt, quod est impudentius, veras esse ex contrariis disiunctiones, sed quae in his enuntiata
38 sint,[1] eorum neutrum esse verum. O admirabilem licentiam et miserabilem inscientiam disserendi! Si enim aliquid in eloquendo nec verum nec falsum est, certe id verum non est; quod autem verum non est, qui potest non falsum esse? aut quod falsum non est, qui potest non verum esse? Tenebitur igitur[2] id quod a Chrysippo defenditur, omnem enuntiationem aut veram aut falsam esse; ratio ipsa coget et ex aeternitate quaedam esse vera et ea non esse nexa causis aeternis et a fati necessitate esse libera.

39 XVII. Ac mihi quidem videtur, cum duae sententiae fuissent veterum philosophorum, una eorum qui censerent omnia ita fato fieri ut id fatum vim necessitatis afferret, in qua sententia Democritus, Heraclitus, Empedocles, Aristoteles fuit, altera eorum quibus viderentur sine ullo fato esse animorum motus voluntarii, Chrysippus tamquam arbiter honorarius medium ferire voluisse,—sed applicat se ad eos potius qui necessitate motus animos[3] liberatos volunt; dum autem verbis utitur suis, delabitur in eas difficultates
40 ut necessitatem fati confirmet invitus. Atque hoc, si placet, quale sit videamus in assensionibus, quas

[1] *Rackham:* essent *codd.*
[2] igitur *addit Lambinus* (ergo *Davisius*).
[3] animorum *Davisius.*

cureans, who say that propositions of this sort are neither true nor false, or else, when ashamed of that, they nevertheless make the still more impudent assertion that disjunctions consisting of contrary propositions are true, but that the statements contained in the propositions are neither of them true.
38 What marvellous effrontery and pitiable ignorance of logical method! For if anything propounded is neither true nor false, it certainly is not true; but how can something that is not true not be false, or how can something that is not false not be true? We shall therefore hold to the position maintained by Chrysippus, that every proposition is either true or false; reason itself will insist *both* that certain things are true from all eternity *and* that they are not involved in a nexus of eternal causes but are free from the necessity of fate.

Chrysippus's view half-way between necessity of fate and freedom of will.

39 XVII. "And my own view at all events is that, as between the two opinions held by the old philosophers, on the one hand the opinion of those who deemed that everything takes place by fate in the sense that this fate exercises the force of necessity —the opinion to which Democritus, Heraclitus, Empedocles and Aristotle adhered—and on the other hand the opinion of those who held that the movements of the mind are voluntary and not at all controlled by fate, Chrysippus stood as unofficial umpire and wished to strike a compromise,—though as a matter of fact he inclines to adhere to those who hold that the mind is released from all necessity of motion; but in employing formulae peculiar to himself he slips into such difficulties that against his will he
40 lends support to the necessity of fate. And let us if you please examine the nature of this doctrine in

Psychology of volition.

prima oratione tractavi. Eas enim veteres illi quibus omnia fato fieri videbantur vi effici et necessitate dicebant. Qui autem ab eis dissentiebant, fato assensiones liberabant negabantque fato assensionibus adhibito necessitatem ab his posse removeri; eique ita disserebant: 'Si omnia fato fiunt, omnia fiunt causa antecedente; et si appetitus, illa etiam quae appetitum sequuntur; ergo etiam assensiones. At si causa appetitus non est sita in nobis, ne ipse quidem appetitus est in nostra potestate; quod si ita est, ne illa quidem quae appetitu efficiuntur sunt sita in nobis. Non sunt igitur neque assensiones neque actiones in nostra potestate. Ex quo efficitur ut nec laudationes iustae sint nec vituperationes nec honores nec supplicia.' Quod cum vitiosum sit, probabiliter concludi putant non omnia fato fieri quaecumque fiant.

41 XVIII. Chrysippus autem cum et necessitatem improbaret et nihil vellet sine praepositis causis evenire, causarum genera distinguit, ut et necessitatem effugiat et retineat fatum. 'Causarum enim,' inquit, 'aliae sunt perfectae et principales, aliae adiuvantes et proximae; quam ob rem cum dicimus omnia fato fieri causis antecedentibus, non hoc intellegi volumus, causis perfectis et principalibus, sed causis adiuvantibus[1] et proximis.' Itaque illi rationi quam paullo ante conclusi sic occurrit: si omnia fato

[1] adiuvantibus *Davisius*: adiuvantibus antecedentibus *codd.*

[a] In the lost part of the dialogue.

connexion with the topic of assent, which I treated in my first discourse.[a] Those old philosophers who held that everything takes place by fate used to say that assent is given perforce as the result of necessity. On the other hand those who disagreed with them released assent from bondage to fate, and maintained that if assent were made subject to fate it would be impossible to dissociate it from necessity. They argued as follows: 'If all things take place by fate, all things take place with an antecedent cause; and if desire is caused, those things which follow desire are also caused; therefore assent is also caused. But if the cause of desire is not situated within us, even desire itself is also not in our power; and if this is so, those things which are caused by desire also do not rest with us. It follows therefore that neither assent nor action is in our power. From this it results that there is no justice in either praise or blame, either honours or punishments.' But as this is erroneous, they hold that it is a valid inference that not everything that takes place takes place by fate.

41 XVIII. "But Chrysippus, since he refused on the one hand to accept necessity and held on the other hand that nothing happens without fore-ordained causes, distinguishes different kinds of causation, to enable himself at the same time to escape necessity and to retain fate. 'Some causes,' he says, 'are perfect and principal, others auxiliary and proximate. Hence when we say that everything takes place by fate owing to antecedent causes, what we wish to be understood is not perfect and principal causes but auxiliary and proximate causes.' Accordingly he counters the argument that I set out a little time ago by saying that, if everything takes

His distinction of causes as (1) principal, (2) auxiliary leaves desire in our power

fiant, sequi illud quidem ut omnia causis fiant antepositis, verum non principalibus et perfectis sed adiuvantibus et proximis. Quae si ipsae non sunt in nostra potestate, non sequitur ut ne appetitus quidem sit in nostra potestate. At hoc sequeretur si omnia perfectis et principalibus causis fieri diceremus, ut, cum hae causae non essent in nostra potestate, ne
42 ille quidem esset in nostra potestate. Quam ob rem qui ita fatum introducunt ut necessitatem adiungant, in eos valebit illa conclusio; qui autem causas antecedentes non dicent perfectas neque principales, in eos nihil valebit. Quod enim dicantur assensiones fieri causis antepositis, id quale sit facile a se explicari putat; nam quamquam assensio non possit fieri nisi commota viso, tamen cum id visum proximam causam habeat, non principalem, hanc habet rationem, ut Chrysippus vult, quam dudum diximus, non ut illa quidem fieri possit nulla vi extrinsecus excitata (necesse est enim assensionem viso commoveri), sed revertitur ad cylindrum et ad turbinem suum, quae moveri incipere nisi pulsa non possunt; id autem cum accidit, suapte natura quod superest et cylindrum volvi et versari turbinem
43 putat. XIX. 'Ut igitur,' inquit, 'qui protrusit cylindrum dedit ei principium motionis, volubilitatem autem non dedit, sic visum obiectum imprimet illud quidem et quasi signabit in animo suam speciem,

[a] To render φαντασία, which refers to any of the senses, Cicero commonly uses *visum*, which properly denotes the effect of an object on the sense of sight.

[b] This illustration from the motion of an agricultural roller (κύλινδρος) and a child's top (στρόβιλος), here assigned to Chrysippus, is not recorded elsewhere.

place by fate, it does indeed follow that everything takes place from antecedent causes, but not from principal and perfect but auxiliary and proximate causes. And if these causes themselves are not in our power, it does not follow that desire also is not in our power. On the other hand if we were to say that all things happen from perfect and principal causes, it would then follow that, as those causes are not in our power, desire would not be in our power
42 either. Hence the train of argument in question will be valid against those who introduce fate in such a manner as to make it involve necessity; but it will have no validity against those who do not allege perfect and principal causes as antecedent. For they think that they can easily explain the meaning of the statement that assent takes place from pre-ordained causes; for although assent cannot take place unless prompted by a sense-presentation,[a] nevertheless since that presentation supplies a proximate and not a principal cause, this, according to Chrysippus, is explained by the theory which we stated just now, not indeed proving that assent can take place without being aroused by any external force (for assent must necessarily be actuated by our seeing an object), but Chrysippus goes back to his roller and spinning-top, which cannot begin to move unless they are pushed or struck, but which when this has happened, he thinks, continue to move of their own nature, the roller rolling forward and the top spinning round.[b]
43 XIX. 'In the same way therefore,' he says, 'as a person who has pushed a roller forward has given it a beginning of motion, but has not given it the capacity to roll, so a sense-presentation when it impinges will it is true impress and as it were seal its appearance

and also 'assent' to sense-presentations as representing the objects.

sed assensio nostra erit in potestate, eaque, quemadmodum in cylindro dictum est, extrinsecus pulsa quod reliquum est suapte vi et natura movebitur. Quod si aliqua res efficeretur sine causa antecedente, falsum esset omnia fato fieri; sin omnibus quaecumque fiunt verisimile est causam antecedere, quid afferri poterit cur non omnia fato fieri fatendum sit? modo intellegatur quae sit causarum distinctio ac
44 dissimilitudo.' Haec cum ita sint a Chrysippo explicata, si illi qui negant assensiones fato fieri, fateantur tamen eas sine[1] viso antecedente fieri, alia ratio est; sed si concedunt anteire visa nec tamen fato fieri assensiones quod proxima illa et continens causa non moveat assensionem, vide ne idem dicant. Neque enim Chrysippus, concedens assensionis proximam et continentem causam esse in viso positam, eam[2] causam ad assentiendum necessariam esse concedet, ut, si omnia fato fiant, omnia fiant causis antecedentibus et necessariis; itemque illi qui ab hoc dissentiunt confitentes non fieri assensiones sine praecursione visorum, dicent, si omnia fato fierent eiusmodi ut nihil fieret nisi praegressione causae, confitendum esse fato fieri omnia; ex quo facile intel-

[1] sine *Lambinus:* non sine *codd.*
[2] eam *Turnebus:* neque eam *codd.*

on the mind, but the act of assent will be in our power, and as we said in the case of the roller, though given a push from without, as to the rest will move by its own force and nature. If some event were produced without antecedent cause, it would not be true that all things take place by fate; but if it is probable that with all things whatever that take place there is an antecedent cause, what reason will it be possible to adduce why we should not have to admit that all things take place by fate?—only provided that the nature of the distinction and difference between
44 causes is understood.' As this is the form in which these doctrines are set out by Chrysippus, if the people who deny that acts of assent take place by fate nevertheless would admit that those acts take place without an antecedent sense-presentation, it is a different theory; but if they allow that sense-presentations come first, yet nevertheless acts of assent do not take place by fate, because assent is not prompted by the proximate and contiguous cause stated, surely this comes to the same thing. For Chrysippus, while admitting that the proximate and contiguous cause of assent is situated in a perceived object, will not admit that this cause is necessary for the act of assenting, so that if all things take place by fate all things take place from antecedent and necessary causes; and also the thinkers who disagree with him in admitting that assent does not take place without the previous passage of sensory images will similarly say that, if everything were caused by fate in such a manner that nothing did take place without the precedent occurrence of a cause, it would have to be admitted that all things take place by fate; and from this it is easy to understand that

This theory defended.

lectu est, quoniam utrique patefacta atque explicata sententia sua ad eumdem exitum veniant, verbis eos,
45 non re dissidere. Omninoque cum haec sit distinctio, ut quibusdam in rebus vere dici possit cum hae causae antegressae sint non esse in nostra potestate quin illa eveniant quorum causae fuerint, quibusdam autem in rebus causis antegressis in nostra tamen esse potestate ut illud[1] aliter eveniat, hanc distinctionem utrique approbant; sed alteri censent quibus in rebus cum causae antecesserint non[2] sit in nostra potestate ut aliter illa eveniant, illas fato fieri, quae autem in nostra potestate sint, ab his fatum abesse. . . .

46 XX. Hoc modo hanc causam disceptari oportet, non ab atomis errantibus et de via declinantibus praesidium petere. 'Declinat,' inquit, 'atomus.' Primum cur? aliam enim quandam vim motus habebunt a Democrito impulsionis quam plagam ille appellat, a te, Epicure, gravitatis et ponderis. Quae ergo nova causa in natura est quae declinet atomum (aut num sortiuntur inter se quae declinet, quae non?) aut cur minimo declinent intervallo, maiore non, aut cur declinent uno minimo, non declinent duobus aut
47 tribus? Optare hoc quidem est, non disputare. Nam neque extrinsecus impulsam atomum loco moveri et declinare dicis, neque in illo inani per quod

[1] illud: aliud *codd. plurimi.*
[2] non *Creuzer:* ita ut non *codd.*

since both parties, when their opinion has been developed and unfolded, come to the same ultimate position, the difference between them is one of words
45 and not of fact. And putting it broadly, inasmuch as the distinction can be made that whereas in some things it can truly be said that when certain antecedent causes have occurred it is not in our power to prevent certain results of which they were the causes from happening, yet in some things, although antecedent causes have occurred, it is nevertheless within our power to make the event turn out otherwise,—this distinction is approved by both sides; but one of the two schools holds that although fate does govern those matters in which when antecedent causes have occurred it is not in our power to make the results turn out otherwise, yet fate is not present in the case of matters which are in our power. . . .

Epicurus's 'uncaused swerve' unnecessary to rebut fatalism, and meaningless.

46 XX. "This is the proper method of discussing this question,—one should not seek assistance from atoms that roam and swerve out of their path. 'The atom does swerve,' he says. In the first place what causes the swerve? for the motive force that they will get from Democritus is a different one, a driving force termed by him a 'blow'; from you, Epicurus, they will get the force of gravity or weight. What fresh cause therefore exists in nature to make the atom swerve (or do the atoms cast lots among them which is to swerve and which not?) or to serve as the reason for their making a very small swerve and not a large one, or for their making one very small swerve and not two or three swerves? This is wishful think-
47 ing, not investigation. For you do not say that the atom moves its position and swerves owing to being driven by an external force, nor that there has been

feratur atomus quidquam fuisse causae cur ea non e regione ferretur, nec in ipsa atomo mutationis aliquid factum esse[1] quam ob rem naturalem sui ponderis motum non teneret. Ita cum attulisset nullam causam quae istam declinationem efficeret, tamen aliquid sibi dicere videtur cum id dicat quod omnium mentes

48 aspernentur ac respuant. Nec vero quisquam magis confirmasse[2] mihi videtur non modo fatum verum etiam necessitatem et vim omnium rerum sustulisseque motus animi voluntarios, quam hic qui aliter obsistere fato fatetur se non potuisse nisi ad has commenticias declinationes confugisset. Nam ut essent atomi, quas quidem esse mihi probari nullo modo potest, tamen declinationes istae numquam explicarentur; nam si atomis ut gravitate ferantur tributum est necessitate naturae, quod omne pondus nulla re impediente moveatur et feratur necesse est, illud quoque necesse est, declinare, quibusdam atomis, vel si volunt omnibus, naturaliter ?[3] . . .

[1] *Davisius :* est.
[2] *Rackham :* confirmare *codd.*
[3] *punctum Rackham.*

any factor in the void through which the atom travels to cause it not to travel in a straight line, nor that any change has taken place in the atom itself to cause it not to retain the natural motion of its own weight. Accordingly although he introduced no cause to occasion this swerve of yours, nevertheless he thinks that he is talking sense when he is saying something

48 that all men's minds scornfully reject. And in truth no one in my opinion has done more to uphold not only fate but also an all-controlling necessity, or to abolish voluntary movements of the mind, than has this philosopher who confesses that he has been unable to withstand fate in any other way than by taking refuge in these fictitious swerves. For if one granted the existence of the atoms, although I for my part find it entirely impossible to accept that they do exist, nevertheless there would never be any explanation of those swerves that you talk of; for if it is owing to a necessity of nature that the atoms are assigned the property of travelling by force of gravity, because every heavy body must necessarily move and travel when nothing hinders it, is that alleged swerve also necessary for some atoms, or, if they choose, for all, in the order of nature ? . . ."

1. *Gellius, Noct. Attic. vii. 2. 15. M. Cicero in libro quem de fato conscripsit, cum quaestionem istam diceret obscurissimam esse et implicatissimam, Chrysippum quoque philosophum non expedisse se in ea ait his verbis :* Chrysippus, aestuans laboransque quonam pacto[1] explicet et fato omnia fieri et esse aliquid in nobis, intricatur hoc modo.

2. *Servius ad Vergil. Aen. iii. 376—'volvitque vices.' Definitio fati secundum Tullium, qui ait* : Fatum est conexio rerum per aeternitatem se invicem tenens, quae suo ordine et lege sua[2] variatur, ita tamen ut ipsa varietas habeat aeternitatem.

3. *Augustinus, De Civitate Dei v. 8. Illi quoque versus Homeri huic sententiae suffragantur, quos Cicero in Latinum vertit* :

> tales sunt hominum mentes quali pater ipse
> Iuppiter auctiferas lustravit lumine terras.

Nec in hac quaestione auctoritatem haberet poetica

[1] pacto *suppl. edd.*
[2] sua *add. Ax.*

[a] *i.e.* the belief in fate, interpreted as meaning that all events, including the actions of men, are caused by God's

Fate and freewill.

1. In the book that he wrote on the subject of fate Marcus Cicero says that the question which you raise is very obscure and involved, and he remarks that the philosopher Chrysippus also had not cleared up his position with regard to it. Cicero's words are 'Chrysippus, finding himself quite at sea in the difficulty of how to explain his combination of universal fatalism with human free-will, ties himself up in the following knot.'

Fate.

2. (Jove) 'plies the turns of fortune.' A definition of fate according to Tully, who says : 'Fate is the interconnexion of events that alternates continuously throughout eternity, varying in conformity with a law of its own and an order of its own, yet in such a manner that this variation is itself eternal.'

Mental light.

3. This view[a] is also supported by those verses of Homer, which Cicero renders in Latin :

> The minds of men are such as is the light
> Wherewith the fruitful earth has been illumined
> By Father Jove himself.

Nor would the view of a poet on this question have

will, which guides men when they are willing to comply and draws them on when they are unwilling.
Cicero translates *Odyssey* xviii. 136 f. :

> τοῖος γὰρ νόος ἐστὶν ἐπιχθονίων ἀνθρώπων
> οἷον ἐπ' ἦμαρ ἄγῃσι πατὴρ ἀνδρῶν τε θεῶν τε.

sententia ; sed quoniam Stoicos dicit vim fati afferentes istos ex Homero versus solere usurpare, non de illius poetae sed illorum philosophorum opinione tractatur, cum per istos versus quos disputationi adhibent quam de fato habent quid sentiant esse fatum apertissime declaratur, quoniam Iovem appellant, quem summum deum putant, a quo connexionem dicunt pendere fatorum.

4. *Macrobius, Saturnalia iii. 16. 3 sq. Et ne vilior sit testis poeta, accipite assertore Cicerone in quo honore fuit hic piscis apud P. Scipionem Africanum illum et Numantinum. Haec sunt in dialogo de fato verba Ciceronis :* Nam cum esset apud se ad Lavernium Scipio unaque Pontius, allatus est forte Scipioni acupenser, qui admodum raro capitur sed est piscis, ut ferunt, in primis nobilis. Cum autem Scipio unum et alterum ex eis qui eum salutatum venerant invitavisset pluresque etiam invitaturus videretur, in aurem Pontius, Scipio, inquit, vide quid agas : acupenser iste paucorum hominum est.

[a] *Cf.* §§ 13 note, 27 note.

[b] Otherwise unknown; as also is the application that Cicero made of this anecdote in his argument.

authority ; but since he (Cicero) says that the Stoics are in the habit of quoting those verses of Homer when adducing the power of fate, the matter being treated is not the opinion of that poet but of those philosophers, as the verses referred to which they introduce into their discussion of the subject of fate serve to show very clearly what they consider fate to be, since they call it Jove, whom they deem the supreme deity, from whom they say that the linked chain of the fates is suspended.

4. And lest the poet should be too cheap a witness, learn on the affirmation of Cicero the honour in which this fish stood with the famous Publius Scipio,[a] the victor of Africa and Numantia. These are Cicero's words in his dialogue on fate : ' Scipio was at his place at Lavernium, and Pontius[b] was staying with him, when there happened to arrive for Scipio a present of a sturgeon, a fish not often caught, but said to be extremely highly valued. Scipio invited one or two of the people who had called to pay their respects to stay to dinner, and seemed to be going to invite more, so Pontius whispered to him : " Mind what you are doing, Scipio ; your sturgeon is a dish for a few." ' The sturgeon.

PARADOXA STOICORUM

INTRODUCTION

This book consists of six short essays setting out the most striking ethical doctrines of the Stoic school of philosophy: that virtue is the sole good, and the sole requisite for happiness; that all good deeds are equally meritorious and all bad deeds equally heinous; that folly is insanity and slavery, wisdom the only freedom and the only riches. In other writings Cicero criticizes these doctrines as extravagant and pedantic —see especially *De Finibus* iv. 74-77 and *Pro Murena* 60-66; but in his preface here, § 4, he expresses his warm acceptance of them.

Not that the author regards these essays as serious works on philosophy; he merely presents them as amusing popularizations of the recondite teachings of the Stoics (§ 4). He sets out and explains their doctrines in familiar language, defends them by popular arguments, sometimes hardly more than a play upon words, and illustrates them with anecdotes from history and even with allusions to contemporary life, especially to its extravagant display of wealth. No. IV is a hardly veiled attack on Clodius (see § 32 note *b*), who is doubtless also in mind in No. II. No. V satirizes costly luxury and affectation of connoisseurship in collecting works of art: Cicerc here probably aims at Lucullus who fought against Mithri-

dates; and he doubtless elsewhere has in mind his rival at the bar, Hortensius, the champion of the optimates. No. VI has been supposed to be an exposure of the methods of Licinius Crassus the triumvir and multimillionaire, who speculated in contracts for public works; but § 43 is against this, as public opinion did not condemn money-making in the case of a member of the equestrian order, to which Crassus belonged.

The book hardly represents a single piece of work. The preface, addressed to Marcus Brutus, alludes (§ 1) to Cato in terms that show that he was still alive, or at all events that news of his death, which took place in Africa in April 46 B.C., had not yet reached Cicero; but it was written (§ 5) when the long nights of winter were over, and after another work, also dedicated to Brutus: this was *De Claris Oratoribus*, which contains allusions dating its composition as early in the year 46. But the essays themselves must have been begun some years earlier: No. IV was presumably written before the death of Clodius, and No. VI before that of Marcus Crassus, if it refers to him. It appears then that Cicero after his arrival in Rome from Brundisium amused himself by finishing and sending to his friend a series of rhetorical trifles that he had by him already.

M. TULLII CICERONIS

PARADOXA STOICORUM

PROOEMIUM

1 Animadverti, Brute, saepe Catonem avunculum
tuum cum in senatu sententiam diceret locos graves
ex philosophia tractare abhorrentes ab hoc usu forensi
et publico, sed dicendo consequi tamen ut illa etiam
2 populo probabilia viderentur. Quod eo maius est
illi quam aut tibi aut nobis, quia nos ea philosophia
plus utimur quae peperit dicendi copiam et in qua
dicuntur ea quae non multum discrepant ab opinione
populari, Cato autem, perfectus mea sententia
Stoicus, et ea sentit quae non sane probantur in
vulgus et in ea est haeresi quae nullum sequitur
florem orationis neque dilatat argumentum sed
minutis interrogatiunculis quasi punctis quod pro-
3 posuit efficit. Sed nihil est tam incredibile quod non

[a] See Introduction, p. 253.

[b] τόποι, see p. 256, note *a*.

[c] *Interrogatio*, ἐρώτημα, denotes properly a syllogistic argument with each step put as a question to which the adversary

MARCUS TULLIUS CICERO

PARADOXA STOICORUM

PREFACE

1 I have often noticed, Brutus,[a] that your uncle Cato
when making a speech in the Senate deals with
weighty arguments[b] drawn from philosophy which do
not conform with our usual practice in the law-courts
and the assembly, but that nevertheless his oratory
succeeds in making such things acceptable even to the
2 general public. And this is a greater achievement
for him than it would be either for you or for me,
because we make more use of the system of philo-
sophy which is the parent of oratorical fluency and
which contains doctrines not greatly differing from
ordinary modes of thought, whereas Cato, in my view
a perfect specimen of a Stoic, holds opinions that by
no means meet with the acceptance of the multitude,
and moreover belongs to a school of thought that
does not aim at oratorical ornament at all or employ
a copious mode of exposition, but proves its case by
3 means of tiny little interrogatory pin-pricks.[c] But
nothing is so difficult to believe that oratory cannot

must assent; but the Greek term is often used simply to mean 'proof,' including one that proceeds categorically.

dicendo fiat probabile, nihil tam horridum tam incultum quod non splendescat oratione et tamquam excolatur. Quod cum ita putarem, feci etiam audacius quam ille ipse de quo loquor. Cato enim dumtaxat de magnitudine animi de continentia de morte de omni laude virtutis de dis immortalibus de caritate patriae Stoice solet oratoriis ornamentis adhibitis dicere; ego tibi illa ipsa quae vix in gymnasiis et in otio Stoici probant ludens conieci in communes locos.

4 Quae quia sunt admirabilia contraque opinionem omnium (ab ipsis etiam παράδοξα appellantur), temptare volui possentne proferri in lucem, id est in forum, et ita dici ut probarentur, an alia quaedam esset erudita alia popularis oratio: eoque scripsi libentius quod mihi ista παράδοξα quae appellant maxime videntur esse Socratica longeque verissima.

5 Accipies igitur hoc parvum opusculum lucubratum his iam contractioribus noctibus, quoniam illud maiorum vigiliarum munus in tuo nomine apparuit, et degustabis genus exercitationum earum quibus uti consuevi, cum ea quae dicuntur in scholis θετικῶς ad nostrum hoc oratorium transfero dicendi genus. Hoc tamen opus in acceptum ut referas nihil postulo;

[a] κοινοὶ τόποι, 'common places' in the Aristotelian sense, *i.e.* arguments of general application, not inferences from particular cases; but Cicero tends to use the term of proofs set out for general acceptance, in popular form, as here, and so it approximates to the sense of 'commonplace.'

[b] *admirabilia*, the accepted rendering of παράδοξα, see *De Finibus* iv. 47.

[c] *Brutus, seu De Claris Oratoribus*, an essay in dialogue form on the ideal public speaker.

[d] *i.e.* technically: a *thesis* was a 'proposition' laid down to be proved by logical argument.

make it acceptable, nothing so rough and uncultured as not to gain brilliance and refinement from eloquence. And holding this opinion I have acted even more boldly than the person I am speaking of himself. For Cato at all events follows the Stoic practice of employing the embellishments of eloquence when he is discoursing on grandeur of mind, or self-control, or death, or the glory of virtue in general, or the immortal gods, or love of country; but I for my part have amused myself by throwing into common form,[a] for your benefit, even those doctrines which the Stoics scarcely succeed in proving in the retirement of the schools

4 of philosophy. These doctrines are surprising,[b] and they run counter to universal opinion—the Stoics themselves actually term them *paradoxa*; so I wanted to try whether it is possible for them to be brought out into the light of common daily life and expounded in a form to win acceptance, or whether learning has one style of discourse and ordinary life another; and I wrote with the greater pleasure because the doctrines styled *paradoxa* by the Stoics appear to me to be in the highest degree Socratic,

5 and far and away the truest. You will therefore receive this brief little essay, the lamplight production of the nights that are now growing shorter, since the former occupation of my longer watches has already appeared in your name[c]; and you will sample a class of exercises that I have made a practice of employing when transposing things expressed in the schools of philosophy in the form of logical demonstration[d] into this oratorical style of discourse that is my own. All the same, I make no demand that you should place this work to my credit, for it is

non enim est tale ut in arce poni possit quasi Minerva illa Phidiae, sed tamen ut ex eadem officina exisse appareat.

PARADOXON I

Ὅτι μόνον τὸ καλὸν ἀγαθόν.

Quod honestum sit id solum bonum esse.

6 Vereor ne cui vestrum ex Stoicorum[1] hominum disputationibus, non ex meo sensu deprompta haec videatur oratio; dicam quod sentio tamen, et dicam brevius quam res tanta poscit.[2]

Numquam mehercule ego neque pecunias istorum neque tecta magnifica neque opes neque imperia neque eas quibus maxime astricti sunt voluptates in bonis rebus aut expetendis esse duxi, quippe cum viderem rebus his circumfluentes ea tamen desiderare maxime quibus abundarent. Neque enim umquam expletur nec satiatur cupiditatis sitis, neque solum ea qui habent libidine augendi cruciantur sed etiam amittendi metu.

7 In quo equidem continentissimorum hominum maiorum nostrorum saepe requiro prudentiam, qui haec imbecilla et commutabilia[3] verbo bona putaverunt appellanda cum re ac factis longe aliter iudicavis-

[1] Socraticorum *Baiter et Kayser.*
[2] poscit *Rackham:* dici poscit *codd.*
[3] commutabilia pecuniae membra *codd.: om. Bentley.*

[a] The colossal gold and ivory statue of Athena in the Parthenon at Athens.
[b] A contemptuous reference to ordinary men of the world.

not conceivable that it could be enshrined in the citadel like the famous Minerva[a] of Phidias, but nevertheless it is possible that it should seem to have come from the same workshop.

PARADOX I

That only what is morally noble is good.

6 I am afraid that some of you may think that this essay is derived from the discussions of the Stoic school and not from my own thinking; still, I will state what I think, and will state it more briefly than a subject of such magnitude demands.

For my own part I protest that I have never deemed either the money of these people[b] or their splendid houses or their resources or their official powers or the pleasures that hold them most closely prisoners as counting among good things or things desirable, since I have noticed that although surrounded by floods of these things they nevertheless felt themselves most lacking in the things of which they had an overflowing quantity. For appetite has a thirst that is never fully and completely sated, and they are not only tortured by the lust of increasing their possessions but also by the fear of losing them.

7 And herein I often remark the absence of the wisdom of our ancestors, who were persons of the greatest self-restraint, and who thought that these unreliable and transitory things deserved only the nominal title of 'goods,' since they had formed an entirely different estimate of them in substance and reality.

sent. Potestne bonum cuiquam malo esse, aut potest quisquam in abundantia bonorum ipse esse non bonus? Atqui ista omnia talia videmus ut etiam improbi
8 habeant et obsint probis. Quam ob rem licet irrideat si quis vult, plus apud me tamen vera ratio valebit quam vulgi opinio, neque ego umquam bona perdidisse dicam si qui pecus aut supellectilem amiserit, neque non saepe laudabo sapientem illum, Biantem ut opinor, qui numeratur in septem, cuius cum patriam Prienen cepisset hostis ceterique ita fugerent ut multa de suis rebus secum asportarent, cum esset admonitus a quodam ut idem ipse faceret, 'Ego vero,' inquit, 'facio, nam omnia mecum porto mea.'
9 Ille haec ludibria fortunae ne sua quidem putavit quae nos appellamus etiam bona.

'Quid est igitur,' quaeret aliquis, 'bonum?' Si quod[1] recte fit et honeste et cum virtute id bene fieri vere dicitur, quod rectum et honestum et cum virtute est id solum opinor bonum.

10 Sed haec videri possunt odiosiora cum lentius disputantur: vita atque factis illustranda sunt summorum virorum haec quae verbis subtilius quam satis est disputari videntur. Quaero enim a vobis num ullam cogitationem habuisse videantur ei qui hanc rempublicam tam praeclare fundatam nobis reliquerunt aut argenti ad avaritiam aut amoenitatum ad delectationem aut supellectilis ad delicias aut

[1] *Bentley:* quid *codd.*

[a] Of Priene in Ionia, *fl.* 550 B.C.

Can a thing that is a good be for anybody an evil? or can anybody amidst an abundance of goods be himself not good? Yet all that list of things we see to be of such a nature that even wicked men possess them and that virtuous men derive harm from them.
8 On that account though anyone who likes is at liberty to laugh at me, yet with me true reason will carry more weight than the opinion of the common herd, and I for my part shall never say that anybody who has lost cattle or furniture has suffered a loss of goods, and moreover I shall often praise that wise man, Bias[a] I think it was, who is reckoned as one of the Seven, who, when his native place Priene had been taken by the enemy and the rest of the people although flying were carrying away many of their chattels with them, met somebody's suggestion that he himself should do the same with the reply, 'But I am doing so, for I carry all my belongings with
9 me.' Bias refused to think of these toys of fortune, which we actually call goods, as even among his belongings.

'What then *is* good?' somebody will ask. An action rightly done, and honourably, and virtuously, is truly said to be a good action, and I deem good only what is right and honourable and virtuous.

10 But these views may possibly seem somewhat repellant when they are discussed too coolly. They need to have light thrown upon them by the life and actions of men of eminence: wordy discussion of them seems to be excessive subtlety. For I ask you, do the men who so gloriously founded this republic and bequeathed it to us appear to have had any thought of money to gratify their avarice or of beautiful grounds for their delight or of furniture for their

11 epularum ad voluptates? Ponite ante oculos unum quemque—regum vultis a Romulo? vultis post liberam civitatem ab eis ipsis qui liberaverunt eam? Quibus tandem gradibus Romulus escendit in caelum, eisne quae isti bona appellant, an rebus gestis atque virtutibus? Quid? a Numa Pompilio minusne gratas dis immortalibus capedines ac fictiles hirnulas fuisse, quam filicatas aliorum pateras arbitramur? Omitto reliquos, sunt enim omnes pares inter se praeter
12 Superbum. Brutum si quis roget quid egerit in patria liberanda, si quis item reliquos eiusdem consilii socios quid spectaverint quid secuti sint, num quis exsistat cui voluptas cui divitiae cui denique praeter officium fortis et magni viri quidquam aliud propositum fuisse videatur? Quae res ad necem Porsennae C. Mucium impulit sine ulla spe salutis suae? quae vis Coclitem contra omnes hostium copias tenuit in ponte solum? quae patrem Decium, quae filium devota vita immisit in armatas hostium copias? quid continentia C. Fabricii, quid tenuitas victus M'. Curii sequebatur, quid duo propugnacula belli Punici Cn. et P. Scipiones, qui Karthaginiensium adven-

[a] Leader in the expulsion of the Tarquins, 510 B.C., and first consul.

[b] Mucius entered the Etruscan camp to kill King Porsenna, was captured, and proved his determination by holding his right hand in a sacrificial fire till it was destroyed (hence his name Scaevola, 'Left-handed'). The king let him go free, and abandoned the invasion.

[c] Horatius Cocles held the Pons Sublicius against the Etruscan troops of King Porsenna until the Romans had destroyed the bridge behind him, and then swam back across the Tiber.

[d] Both rallied their troops by courting death in battle, the one against the Latins, 340 B.C., and the other against the Gauls, 295 B.C.

11 gratification or banquets for their pleasure? Place them before your eyes one by one—will you start with Romulus among the Kings, or will you start after the liberation of the state with the liberators themselves? What pray was the ladder by which Romulus climbed to heaven? did he rise by means of what your school call goods, or by his achievements and his virtues? Or do we suppose that sacrificial cups and vessels of earthenware from Numa Pompilius were less acceptable to the immortal gods than the chased libation-bowls of others? The rest I omit, for they are all on a par with one another, except
12 Tarquin the Proud. If one were to ask Brutus[a] what his object was in liberating his country, and similarly if one asked the remaining members of the same conspiracy what aim or goal they had in view, would anyone be found among them who would appear to have been aiming at pleasure or wealth or any other object beside the duty of a brave man and a hero? What motive led Gaius Mucius[b] to attempt to kill Porsenna, without any hope of his own escape? what power kept Cocles[c] on the bridge, confronting all the forces of the foe single-handed? what power inspired the self-immolation of the elder or of the younger Decius,[d] and caused them to charge the armed forces of the foe? what was the purpose of Gaius Fabricius's self-restraint,[e] or of Manius Curius's thrift and abstinence?[f] or of the two bulwarks of the Punic War, Gnaeus and Publius[g] Scipio, who

[e] See § 48 note *a*.

[f] See §§ 38, 48 note *b*.

[g] Consul 218 B.C., encountered Hannibal in Cisalpine Gaul, and was wounded, only being rescued by the heroism of his son, the elder Africanus, the future conqueror of Hannibal. Publius and Gnaeus later carried on the war in Spain, 217-211 B.C.

tum corporibus suis intercludendum putaverunt, quid Africanus maior, quid minor, quid inter horum aetates interiectus Cato, quid innumerabiles alii—nam domesticis exemplis abundamus? cogitasse quidquam in vita sibi expetendum nisi quod laudabile esset et
13 praeclarum videntur? Veniant igitur isti irrisores huius orationis ac sententiae, et iam vel ipsi iudicent utrum se eorum[1] alicuius qui marmoreis tectis ebore et auro fulgentibus qui signis qui tabulis qui caelato auro et argento qui Corinthiis operibus[2] abundant, an C. Fabricii qui nihil eorum habuit nihil habere voluit, similes esse malint.

14 Atque haec quidem quae modo huc modo illuc transferuntur facile adduci solent ut in rebus bonis esse negent, illud arte tenent accurateque defendunt, voluptatem esse summum bonum. Quae quidem mihi vox pecudum videtur esse, non hominum. Tu, cum tibi sive deus sive mater ut ita dicam rerum omnium natura dederit animum quo nihil est praestantius neque divinius, sic te ipse abicies atque prosternes ut nihil inter te atque quadrupedem aliquam putes interesse? Quicquamne bonum est quod non
15 eum qui id possidet meliorem facit? ut enim est quisque maxime boni particeps ita est laudabilis maxime, neque est ullum bonum de quo non is qui id habeat honeste possit gloriari. Quid autem est horum in voluptate? melioremne efficit aut lauda-

[1] *Rackham:* horum *codd.* [2] aeribus*? Rackham.*

[a] See § 48 note *c*.
[b] Cato Major, consul 195, censor 184 B.C.
[c] Perhaps the text should be altered to *aeribus*, 'bronzes,' vessels of the Corinthian alloy of gold, silver and copper.
[d] See § 48 note *a*.

deemed it their duty to bar with their own bodies the onset of the Carthaginians? or of the elder or the younger[a] Africanus, or of Cato[b] who came between them in date? or of countless others—for we overflow with examples in our own history? do we suppose that they thought anything their proper aim in life save what they deemed to be worthy of praise
13 and renown? This being so, let your scoffers at this pleading and this verdict come and give judgement now, whether they would even themselves prefer to resemble one of the people rich to superfluity in houses of marble that shine with ivory and gold, in statues and pictures and chased gold and silver plate and Corinthian works of art,[c] or Gaius Fabricius[d] who possessed and who wished to possess none of them.

14 And albeit they can easily be induced to deny a place among things good to these things that are passed from hand to hand, now here, now there, yet they hold fast to the conviction, which they champion with zealous devotion, that the chief good is pleasure. But this to me appears to be the language of cattle, not of human beings. On you has been bestowed by God, or else by Nature, the universal mother as she may be called, the gift of intellect, the most excellent and the divinest thing that exists: will you make yourself so abject and so low an outcast as to deem that there is no difference between you and some four-footed animal? Is there any good thing
15 that does not make its owner better? for in proportion as each man is a partaker in the good, so is he also deserving of praise, and there is no good thing that is not a source of honourable pride to its possessor. But which of these characteristics belongs to pleasure? does it make one a better

biliorem virum? an quisquam in potiundis voluptatibus gloriando se et praedicatione effert? Atqui si voluptas quae plurimorum patrociniis defenditur in rebus bonis habenda non est, eaque quo est maior eo magis mentem e sua sede et statu demovet, profecto nihil est aliud bene et beate vivere nisi honeste et recte vivere.

PARADOXON II

Ὅτι αὐτάρκης ἡ ἀρετὴ πρὸς εὐδαιμονίαν.
In quo virtus sit ei nihil deesse ad beate vivendum.

16 Nec vero ego M. Regulum aerumnosum nec infelicem nec miserum umquam putavi; non enim magnitudo animi eius excruciabatur a Poenis, non gravitas non fides non constantia non ulla virtus, non denique animus ipse, qui tot virtutum praesidio tantoque comitatu, cum corpus eius caperetur, capi certe ipse non potuit. C. vero Marium vidimus, qui mihi secundis in[1] rebus unus ex fortunatis hominibus, in[1] adversis unus ex summis viris videbatur, quo beatius esse mortali nihil potest.

17 Nescis, insane, nescis quantas vires virtus habeat; nomen tantum virtutis usurpas, quid ipsa valeat ignoras. Nemo potest non beatissimus esse qui est totus aptus ex sese quique in se uno sua ponit omnia; cui spes omnis et ratio et cogitatio pendet ex fortuna,

[1] in *bis om. nonnulli.*

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[a] Taken prisoner in the First Punic War and sent back to Rome to arrange peace, but advised his country to reject the offer, and returned to Carthage, where (so the story goes) he was put to death with torture.

man or more praiseworthy? or does anybody pride himself upon and boast about and advertise his success in getting pleasures? Yet if pleasure, which is championed by the patronage of the largest number, is not to be counted among things good, and if the greater it is the more it dislodges the mind from its own abode and station, assuredly the good and happy life is none other than the life of honour and of rectitude.

PARADOX II

That the possession of virtue is sufficient for happiness.

16 Nor indeed have I myself ever thought Marcus Regulus[a] either wretched or unhappy or miserable; for the tortures of the Carthaginians did not affect his greatness of mind or his dignity or loyalty or constancy or any of his virtues, nor finally his mind itself, for this, defended as it was by so great a retinue of virtues, certainly could not possibly itself be taken prisoner, although his body was. But we have actually seen Gaius Marius, who appeared to me in his prosperity to be one of fortune's favourites among mankind and in his adversity one of the supreme heroes, and that is the highest happiness that can befall a mortal.

17 You know not, madman, you know not how great is the strength that virtue possesses; you merely utter the name 'virtue,' you do not know what virtue *itself* means. No one can fail to be supremely happy who relies solely on himself and who places all his possessions within himself alone; whereas he whose hope and purpose and thought

huic nihil potest esse certi, nihil quod exploratum habeat permansurum sibi unum diem. Eum tu hominem terreto, si quem eris nactus, istis mortis aut exilii minis; mihi vero quidquid acciderit in tam ingrata civitate ne recusanti quidem evenerit, non modo non repugnanti. Quid enim ego laboravi aut quid egi aut in quo evigilaverunt curae et cogitationes meae, si quidem nihil peperi tale nihil consecutus sum ut in[1] eo statu essem quem neque fortunae temeritas
18 neque inimicorum labefactaret iniuria? Mortemne mihi minitaris ut omnino ab hominibus, an exilium ut ab improbis demigrandum sit? Mors terribilis est eis quorum cum vita omnia exstinguuntur, non eis quorum laus emori non potest, exilium autem illis quibus quasi circumscriptus est habitandi locus, non eis qui omnem orbem terrarum unam urbem esse ducunt. Te miseriae te aerumnae premunt omnes, qui te beatum qui florentem putas; tuae libidines te torquent, tu dies noctesque cruciaris, cui nec sat est quod est et id ipsum ne non sit diuturnum times; te conscientiae stimulant maleficiorum tuorum, te metus exanimant iudiciorum atque legum; quocumque aspexisti, ut furiae sic tuae tibi occurrunt iniuriae quae te respirare non sinunt.

19 Quam ob rem ut improbo et stulto et inerti nemini bene esse potest, sic bonus vir et fortis et sapiens miser esse non potest. Nec vero cuius virtus mores-que laudandi sunt eius non laudanda vita est, neque

[1] ut in *Rackham*: ut *codd.*

hang entirely on fortune can have nothing certain, nothing that he is assured will remain with him for a single day. That is the sort of person, if you come upon one, for you to terrify with your threats of death or of exile; but to me, in so ungrateful a country, whatever happens will happen without even protest, not merely without resistance, on my part. For what have been my efforts or what my achievements, or wherein have my anxious thoughts and meditations passed whole nights of wakefulness, if I have indeed produced and attained nothing to place me in a position that cannot be undermined by the heedlessness of fortune or the wrong dealt me by my enemies?
18 Do you threaten me with death, to compel me to quit the society of mankind entirely, or with exile, to make me leave the wicked? Death is terrible to those who in losing life lose everything, not to those whose glory cannot die away; exile to those whose place of domicile is encircled by a bounding line, not to those who deem the whole world to be a single city. It is you that are crushed by every misery and sorrow, who think yourself happy and prosperous; it is you that are tortured by your lusts, you that are in torment day and night, who are not content with what you have and who fear that even that may not be lasting; you are goaded by the conscience-pricks of your ill deeds, rendered faint by fear of the courts and of the laws; wherever you turn your gaze, the wrongs that you have done encounter you like furies, and will not let you take a breath.

19 Wherefore as no wicked and foolish and idle man can have well-being, so the good and brave and wise man cannot be wretched. Nor yet can he whose virtue and whose character deserve praise fail to live

porro fugienda vita quae laudanda est; esset autem fugienda si esset misera. Quam ob rem quidquid est laudabile, idem et beatum et florens et expetendum videri debet.

PARADOXON III

Ὅτι ἴσα τὰ ἁμαρτήματα καὶ τὰ κατορθώματα.

Aequalia esse peccata et recte facta.

20 'Parva,' inquis, 'res est.' At magna culpa; nec enim peccata rerum eventu sed vitiis hominum metienda sunt; in quo peccatur id potest aliud alio maius esse aut minus, ipsum quidem illud peccare quoquo verteris unum est. Auri navem evertat gubernator an paleae, in re aliquantulum, in gubernatoris inscitia nihil interest. Lapsa est libido in muliere ignota: dolor ad pauciores pertinet quam si petulans fuisset in aliqua generosa ac nobili virgine, peccavit vero nihilominus, si quidem est peccare tamquam transire lineas, quod cum feceris culpa commissa est; quam longe progrediare cum semel transieris, ad augendam culpam nihil pertinet. Peccare certe licet nemini; quod autem non licet, id hoc uno tenetur si arguitur non licere; id si nec maius nec minus umquam fieri

[a] This technical term of Greek ethics means literally a success due to correct calculation, just as the opposite means literally a failure, mistake, bad shot.

a life that is praiseworthy, and further, a life that is praiseworthy is not a life to flee from; yet it would be a life to flee from if it were wretched. Therefore whatever is praiseworthy must also be deemed to be happy and prosperous and desirable.

PARADOX III

That transgressions are equal and right actions[a] equal.

20 You say, 'It is a small matter.' But it is a great offence; for transgressions are not to be measured by their results but by the vices of the persons transgressing. The occasion of the transgression may be more important or less important in one case than in another, but the act of transgressing is itself one, whichever way you twist it. Whether a helmsman capsizes a ship with a cargo of bullion or a barge laden with chaff makes some little difference in the result, but none in respect of the helmsman's incompetence. Passion has made a slip in the case of a woman of no position: in this case resentment extends to fewer persons than if it had played the wanton with some maiden who was a lady of high birth, but it has transgressed none the less, since to transgress is to cross over the lines, which once done, an offence has been committed; how much farther you go when once you have crossed the line has no effect in increasing the offence. It is unquestionable that transgression is not allowed to anybody; but what is not allowed depends only upon the single point of being proved not to be allowed; if this fact of not being allowed cannot ever become greater or smaller, since

potest, quoniam in eo est peccatum si non licuit, quod semper unum et idem est, quae ex eo peccata
21 nascuntur aequalia sint oportet. Quod si virtutes pares sunt inter se, paria esse etiam vitia necesse est; atqui pares esse virtutes nec bono viro meliorem nec temperante temperantiorem nec forti fortiorem nec sapiente sapientiorem posse fieri facillime potest perspici. An virum bonum dices qui depositum nullo teste cum lucrari impune posset auri pondo decem reddiderit, si idem in decem milibus[1] non[2] fecerit? aut temperantem qui se in aliqua libidine continuerit,
22 in aliqua effuderit? Una virtus est consentiens cum ratione et perpetua constantia, nihil huc addi potest quo magis virtus sit, nihil demi ut virtutis nomen relinquatur. Etenim si benefacta recte facta sunt et nihil recto rectius, certe ne bono quidem melius quicquam inveniri potest. Sequitur igitur ut etiam vitia sint paria, si quidem pravitates animi recte vitia dicuntur. Atqui quoniam pares virtutes sunt, recte facta quando a virtutibus proficiscuntur paria esse debent, itemque peccata quoniam ex vitiis manant sint aequalia necesse est.

23 'A philosophis,' inquis, 'ista sumis.' Metuebam ne a lenonibus diceres. 'Socrates disputabat isto modo.' Bene hercle narras, nam istum doctum et

[1] *Manutius:* milibus pondo auri *codd.*
[2] non *dett.:* non idem *codd. cet.*

[a] διαστροφαί (also rendered 'perversitates'), since what is not straight is crooked, and degrees of crookedness do not matter.

the action's being a transgression consists in its not having been allowed, the transgressions springing from the fact of non-allowance must necessarily be
21 equal. And if virtues are equal to one another, vices also must necessarily be equal to one another; but it can very easily be seen that virtues are equal, and that no one can be better than a good man or more temperate than a temperate man or braver than a brave man or wiser than a wise man. Will you call a man good who pays back ten pounds of gold when as the money had been entrusted to him without a witness he could easily have pocketed it without punishment, if he fails to do the same in the case of a sum of ten thousand pounds? or temperate, who restrains himself in one sort of excess but lets himself
22 go in another? Virtue in harmony with reason and unbroken constancy is one—nothing can be added to it to make it virtue in a greater degree, and nothing can be taken away from it and yet the name of virtue be left to it. In fact if good deeds are deeds done rightly, and if nothing is more right than that which is right, undoubtedly also nothing can be found that is better than that which is good. It follows therefore that vices also are equal, inasmuch as vices are correctly termed 'deformities[a] of the mind.' But inasmuch as virtues are equal, right actions must be equal, since they proceed from the virtues, and similarly transgressions must necessarily be equal since they emanate from vices.

23 'You get those doctrines of yours from the philosophers,' say you. I was afraid you would say 'From the panders.' 'That is the fashion in which Socrates used to argue.' Bravo! your history is most welcome, for it is recorded that the person you

sapientem virum fuisse memoriae traditum est. Sed tamen quaero ex te, quando verbis inter nos contendimus non pugnis, utrum de bonis est quaerendum quid baiuli atque operarii an quid homines doctissimi senserint? praesertim cum hac sententia non modo verior sed ne utilior quidem hominum vitae reperiri ulla possit. Quae vis enim est quae magis arceat homines ab improbitate omni quam si senserint nullum in delictis esse discrimen, aeque peccare se si privatis ac si magistratibus manus afferant, quamcumque in domum stuprum intulerint eamdem esse labem libidinis?

24 'Nihilne igitur interest' (nam hoc dicet aliquis) 'patrem quis enecet an servum?' Nuda ista si ponas, iudicari qualia sint non facile possunt: patrem vita privare si per se scelus est, Saguntini qui parentes suos liberos emori quam servos vivere maluerunt parricidae fuerunt. Ergo et parenti nonnumquam adimi vita sine scelere potest et servo saepe sine iniuria non potest. Causa igitur haec non natura distinguit; quae quoniam utro accessit id fit propensius, si utro-
25 que adiuncta sit paria fiant necesse est. Illud tamen interest, quod in servo necando, si id fit iniuria, semel

[a] In Spain; taken by Hannibal 219 B.C. As Livy tells the story, the leading men when its capture was imminent made a bonfire into which they threw all the gold and silver in the city, many throwing themselves also into the flames.

cite was a learned and a wise man. But nevertheless I put to you the question, as the bout between us is one of words and not of fisticuffs,—on matters of moral good ought we to inquire what is the opinion of porters and labourers, or of persons of the highest learning? especially as this opinion is not only the truest that can be discovered but even the most serviceable for the conduct of life. For what power is there that gives people a better safeguard against all wickedness than the conviction that there is no difference between offences, that they transgress as much if they lay hands on private citizens as if on high officers of state, that the pollution of licentiousness is the same whatever be the home into which they introduce outrage?

24 'Then does it make no difference' (this is what somebody will say) 'whether a man murders his father or a slave?' If you posit those cases without qualification, their real nature cannot easily be judged; if to rob a father of life is in itself a crime, the people of Saguntum [a] who chose that their own parents should all die free men rather than live as slaves were guilty of parricide. Therefore it is both sometimes possible to deprive a parent of life without crime and also not often possible to kill a slave without wrongdoing. Consequently it is the motive that distinguishes these actions, not the nature of the action; and since to whichever action the motive attaches, that action is the more readily committed, if the motive is linked with both actions, they must
25 necessarily become equal to one another. Nevertheless there is the difference that, whereas in the case of the murder of a slave if the action is done without justification it is a single transgression, in

peccatur, in patris vita violanda multa peccantur: violatur is qui procreavit, is qui aluit, is qui erudivit, is qui in sede ac domo atque in republica collocavit; multitudine peccatorum praestat eoque poena maiore dignus est. Sed nos in vita non quae cuique peccato poena sit sed quantum cuique liceat spectare debemus: quidquid non oportet scelus esse, quidquid non licet nefas putare.[1] 'Etiamne in minimis rebus?' Etiam, si quidem rerum modum fingere non pos-
26 sumus, animorum modum tenere possumus. Histrio si paulum se movit extra numerum aut si versus pronuntiatus est syllaba una brevior aut longior, exsibilatur exploditur: in vita tu qui omni gestu moderatior omni versu aptior esse debes, una[2] syllaba te peccare dices? Poetam non audio in nugis peccantem[3]: in vitae societate audiam civem digitis peccata dimetientem sua—'si visa sint breviora, leviora videantur?' Breviora[4] qui possint videri, cum quidquid peccatur perturbatione peccetur rationis atque ordinis, perturbata autem semel ratione et ordine nihil possit addi quo magis peccari posse videatur?

[1] putare *Rackham:* putare debemus *codd.*
[2] una *Rackham:* ut *aut* ut in *codd.*
[3] peccantem *add. Rackham.*
[4] breviora *add. Rackham.*

laying violent hands on the life of one's father many transgressions are committed: violence is done to the author of one's being, to him who gave us nurture and education and a place in his house and home and in the state; the parricide stands first in the number of his transgressions and therefore deserves a greater penalty. But in the conduct of life we ought not to consider what penalty belongs to each transgression but how much is permitted to each person: we ought to deem whatever is wrong a crime, whatever is not permitted a sin. 'Even in the smallest things?' Yes, inasmuch as we are not able to impose regulation on things, but are able to
26 regulate our minds. If an actor makes a movement that is a little out of time with the music, or recites a verse that is one syllable too short or too long, he is hissed and hooted off the stage: in real life, will you, whose conduct ought to be more carefully controlled than any stage gesture, more accurately proportioned than any verse of poetry, say that you only transgress by a single syllable? I will not listen to a poet when he transgresses in trifles: am I to listen to a citizen when he measures off on his fingers his transgressions in the intercourse of life—'if they appear smaller in size, they appear less in gravity?' How could they appear smaller in size, when every transgression is a transgression caused by the dislocation of system and order, but when system and order have once been dislocated nothing further can be added to make a greater degree of transgression appear possible?

PARADOXON IV

Ὅτι πᾶς ἄφρων μαίνεται.

Omnem stultum insanire.

27 Ego vero te non stultum, ut saepe, non improbum, ut semper, sed dementem esse et insanire[1] . . . rebus ad victum necessariis esse invictum potest, sapientis animus magnitudine consilii, tolerantia fortunae, rerum humanarum contemptione, virtutibus denique omnibus ut moenibus septus, vincetur et expugnabitur? Qui ne civitate quidem pelli potest. Quae est enim civitas? omnisne conventus etiam ferorum et immanium? omnisne etiam fugitivorum ac latronum congregata unum in locum multitudo? Certe negabis. Non igitur erat illa tum civitas cum leges in ea nihil valebant, cum iudicia iacebant, cum mos patrius occiderat, cum ferro pulsis magistratibus senatus nomen in republica non erat; praedonum ille concursus et te duce latrocinium in foro constitutum et reliquiae coniurationis a Catilinae furiis ad tuum scelus furoremque conversae non civitas erat.
28 Itaque pulsus ego civitate non sum quae nulla erat: arcessitus in civitatem sum, cum esset in republica consul qui tum nullus fuerat, esset senatus qui tum occiderat, esset consensus populi liberi, esset iuris

[1] esse et insanire . . . *Rackham*: insanire (*aut erasa*) *codd.*

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[a] Doubtless the author has Clodius in mind: see Introduction, p. 252 and p. 282 note *b*.

[b] Some clauses have been lost in the Latin.

[c] In 58 B.C. during the Clodian upheaval. It was a favourite paradox of Cicero that his retirement was not 'exile,' and in fact the sentence of exile was not passed until after he had left Rome.

PARADOX IV

That every foolish man is mad.

27 But I will prove that you[a] are being, not foolish—that you often are,—not wicked—that you are always,—but out of your mind and mad. . . . can possibly be unconquered by . . .,[b] things necessary for life, yet shall the mind of the wise man, walled and fortified as it is by grandeur of purpose, by endurance of fortune, by contempt for human affairs, in short by all the virtues, be conquered and taken by storm? Why, it cannot even be banished into exile from the state. For what is a state? every collection even of uncivilized savages? every multitude even of runaways and robbers gathered into one place? Not so, you will certainly say. Therefore our community was not a state at a time when laws had no force in it, when the courts of justice were abased, when ancestral custom had been overthrown, when the officers of government had been exiled and the name of the senate was unknown in the commonwealth; that horde of bandits and the brigandage that under your leadership was a public institution, and the remnants of conspiracy that had turned from the frenzies of Catiline to your criminal insanity, was not
28 a state. Accordingly I was not exiled[c] from the state, which did not exist, but I was summoned to the state by the existence in our commonwealth of a consul, who had previously been non-existent, a senate, which had previously fallen, a free and unani-

et aequitatis, quae vincula sunt civitatis, repetita memoria.

Ac vide quam ista tui latrocinii tela contempserim. Iactam et immissam a te nefariam in me iniuriam semper duxi, pervenisse ad me numquam putavi, nisi forte cum parietes disturbabas aut cum tectis sceleratas faces inferebas meorum aliquid ruere aut
29 deflagrare arbitrabare. Nihil neque meum est neque cuiusquam quod auferri quod eripi quod amitti potest. Si mihi eripuisses divinam animi mei constantiam, si[1] conscientiam[2] meis curis vigiliis consiliis stare te invitissimo rempublicam, si huius aeterni beneficii immortalem memoriam delevisses, multo etiam magis si illam mentem unde haec consilia manarunt,[3] mihi eripuisses tum ego accepisse me confiterer iniuriam! Sed si haec nec fecisti nec facere potuisti, reditum mihi gloriosum iniuria tua dedit, non exitum calamitosum.

Ergo ego semper civis, et tum maxime cum meam salutem senatus exteris nationibus ut civis optimi commendabat: tu ne nunc quidem, nisi forte idem esse hostis et civis potest. An tu civem ab hoste natura ac loco, non animo factisque distinguis?
30 Caedem in foro fecisti, armatis latronibus templa tenuisti, privatorum domos, aedes sacras incendisti: cur hostis Spartacus si tu civis? Potes autem tu esse

[1] si *add. Rackham.*
[2] conscientiam *add. Moser.*
[3] *Rackham:* manarant *codd.*

[a] Thracian brigand, headed army of escaped slaves that overran Italy 73–71 B.C., till defeated by Crassus.

mous people, and memories once more recalled of justice and equity that are the bonds of the state.

And see how I despised those weapons of your banditry! That a wicked outrage had been hurled and aimed at me by you I always believed, but I never thought that it had reached me—unless perhaps when you were demolishing walls of houses and flinging your scoundrelly torches upon roofs you fancied that some portion of my property was falling in ruin or in
29 flames. Nothing belongs to me or to anybody that can be carried away or plundered or lost. If you had plundered from me my heaven-sent firmness of mind, or the knowledge that it was my devotion and watchfulness and policy which much against your will were keeping the commonwealth standing—if you had obliterated the undying recollection of this everlasting public service,—even much more if you had robbed me of the intellect that was the source from which this policy emanated,—then I would admit that I had suffered an outrage! But if you neither did these things nor could do them, your outrage bestowed on me a glorious return, not a disastrous departure.

Therefore I for my part was a citizen all the time, and most of all when the senate commended me, as a citizen of the highest worth, to the protection of foreign peoples, but you are not one even now, unless perchance the same man can be an enemy and a citizen. Do you distinguish a citizen from an enemy by race and by locality, not by character and
30 conduct? You caused a massacre in the forum, you held the temples with armed brigands, you burnt private persons' houses and consecrated buildings: if you are a citizen what makes Spartacus[a] an enemy?

civis propter quem aliquando civitas non fuit, et me tuo nomine appellas cum omnes meo discessu exsulasse rempublicam putent? Numquamne, homo amentissime, te circumspicies? numquam nec quid facias considerabis nec quid loquare? Nescis exilium scelerum esse poenam, meum illud iter ob praeclaris-
31 simas res a me gestas esse susceptum? Omnes scelerati atque impii (quorum tu te ducem esse profiteris) quos leges esilio affici volunt exules sunt etiam si solum non mutarunt: an cum omnes leges te exulem esse iubeant, non appellet inimicus? 'Qui cum telo fuerit': ante senatum tua sica deprehensa est; 'qui hominem occiderit': tu plurimos occidisti; 'qui incendium fecerit': aedes nympharum manu tua deflagravit; 'qui templa occupaverit': in foro
32 castra posuisti. Sed quid ego communes leges profero, quibus omnibus es exul? familiarissimus tuus de te privilegium tulit ut si in opertum Bonae Deae accessisses exulares; at te id fecisse etiam gloriari soles. Quomodo igitur tot legibus in exilium eiectus nomen exulis non perhorrescis? 'Romae sum,' inquis. Et quidem in operto fuisti. Non igitur ubi quisque erit eius loci ius tenebit si ibi eum legibus esse non oportebit.

[a] This doubtless means 'an assassin hired by you.'

[b] Earth-goddess, deity of chastity, worshipped by Vestals. Yearly rites celebrated by women, in the house of a praetor; profaned by P. Clodius, who entered Caesar's house disguised as a woman, 62 B.C.

But can you be a citizen if owing to you at one period no state existed, and do you designate me by the appellation that belongs to you, although everybody thinks that with my departure the commonwealth went into exile? O maddest of mankind, will you never look around you? will you never consider what you are doing, or what you are saying? Do you not know that exile is a penalty for crime, but that that journey of mine was undertaken on account of the
31 glorious deeds that I had accomplished? All impious criminals (whose leader you openly profess yourself to be) whom the laws wish to be punished with exile are exiles, even if they have not left the country: would not an enemy term you 'exile' when all the laws ordain that you are to be one? 'A person found with a weapon': your dagger [a] was detected in front of the senate-house; 'who has killed a man': you have killed a great many; 'who has caused a fire': your hand set fire to the Temple of the Nymphs and it was burnt down; 'who has seized temples': you encamped in the forum. But why need I
32 quote the universal principles of law, by all of which you are an exile? your closest intimate carried a special bill with regard to you, to punish you with exile if you intruded on the secret shrine of the Good Goddess [b]; but you actually make a habit of boasting that you did so. As therefore so many laws have flung you into exile, how is it you do not fear and dread the name of exile? 'I am at Rome,' you say. Yes, and in fact you were in the secret shrine. Therefore a man will not have the rights of the particular place where he happens to be if by law he ought not to be there.

PARADOXON V

Ὅτι μόνος ὁ σοφὸς ἐλεύθερος καὶ πᾶς ἄφρων δοῦλος.

Solum sapientem esse liberum, et omnem stultum servum.

33 Laudetur vero hic imperator aut etiam appelletur aut hoc nomine dignus putetur: imperator quo modo? aut cui tandem hic libero imperabit, qui non potest cupiditatibus suis imperare? Refrenet primum libidines, spernat voluptates, iracundiam teneat, coerceat avaritiam, ceteras animi labes repellat; tum incipiat aliis imperare cum ipse improbissimis dominis dedecori ac turpitudini parere desierit: dum quidem his obediet, non modo imperator sed liber habendus omnino non erit.

Praeclare enim est hoc usurpatum a doctissimis—quorum ego auctoritate non uterer si mihi apud aliquos agrestes haec habenda esset oratio; cum vero apud prudentissimos loquar quibus haec inaudita non sunt, cur ego simulem me si quid in his studiis operae posuerim perdidisse?—dictum est igitur ab eruditissimis viris nisi sapientem liberum
34 esse neminem. Quid est enim libertas? potestas vivendi ut velis. Quis igitur vivit ut vult nisi qui recta sequitur, qui gaudet officio, cui vivendi via considerata atque provisa est, qui ne legibus quidem propter metum paret sed eas sequitur atque colit

PARADOX V

That only the wise man is free, and that every foolish man is a slave.

33 But granted that this person is lauded as commander-in-chief, or even that he is so styled, or is deemed worthy of that title: commander in what sense? or to what free man will this person possibly issue commands, who cannot command his own desires? First let him curb his lusts, despise pleasures, restrain his angry temper, control his avarice, repulse all the other defilements of the mind; let him start commanding others only when he has himself left off obeying those most unprincipled masters, unseemliness and turpitude: so long as he is subservient to these, he will be altogether unworthy to be deemed not merely a commander but even a free man.

For an excellent dictum is current among people of the greatest learning—whose authority I should not employ if I had to deliver this discourse before persons of no cultivation, but as I am speaking in the presence of people of the highest wisdom, to whom these doctrines are no novelty, why should I pretend that I have wasted any trouble that I may have spent in these studies?—well, it has been said by men of the greatest erudition that no one is free save the
34 wise man. For what is freedom? the power to live as you will. Who then lives as he wills except one who follows the things that are right, who delights in his duty, who has a well-considered path of life mapped out before him, who does not obey even the laws because of fear but follows and respects them

quia id salutare maxime esse iudicat, qui nihil dicit nihil facit nihil cogitat denique nisi libenter ac libere, cuius omnia consilia resque omnes quas gerit ab ipso proficiscuntur eodemque referuntur, nec est ulla res quae plus apud eum polleat quam ipsius voluntas atque iudicium? cui quidem etiam quae vim habere maximam dicitur fortuna ipsa cedit, si, ut sapiens poeta dixit, suis ea cuique fingitur moribus. Soli igitur hoc contingit sapienti ut nihil faciat invitus,
35 nihil dolens, nihil coactus. Quod etsi ita esse pluribus verbis disserendum est, illud tamen et breve et confitendum est, nisi qui ita sit affectus esse liberum neminem. Servi igitur omnes improbi, servi! Nec hoc tam re est quam dictu inopinatum atque mirabile. Non enim ita dicunt eos esse servos ut mancipia quae sunt dominorum facta nexu aut aliquo iure civili; sed si servitus sit, sicut est, obedientia fracti animi et abiecti et arbitrio carentis suo, quis neget omnes leves omnes cupidos omnes denique improbos esse servos?

36 An ille mihi liber cui mulier imperat, cui leges imponit, praescribit iubet vetat quod videtur, qui nihil imperanti negare potest, nihil recusare audet? poscit, dandum est; vocat, veniendum; eiicit, abeundum; minatur, extimescendum. Ego vero istum non modo servum sed nequissimum servum, etiam

[a] *Manners makyth man.* The Latin is not quite a literal quotation, not being in verse; the author is not known.

because he judges that to be most conducive to health, whose every utterance and action and even thought is voluntary and free, whose enterprises and courses of conduct all take their start from himself and likewise have their end in himself, there being no other thing that has more influence with him than his own will and judgement? to whom indeed Fortune, whose power is said to be supreme, herself submits—if, as the wise poet said, she is moulded for each man by his manners.[a] It therefore befalls the wise man alone that he does nothing against his will nor with
35 regret nor by compulsion. And though this is a truth that deserves to be discussed at greater length, it is nevertheless a dictum at once brief and indisputable that no one is free save him who has this disposition. All wicked men are slaves therefore, slaves! Nor is this really so startling a paradox as it sounds. For they do not mean that they are slaves in the sense of chattels that have become the property of their lords by assignment for debt or some law of the state; but if slavery means, as it does mean, the obedience of a broken and abject spirit that has no volition of its own, who would deny that all light-minded and covetous people and indeed all the vicious are really slaves?

36 Or can I think a man free who is under the command of a woman, who receives laws from her, and such rules and orders and prohibitions as she thinks fit, who when she commands can deny her nothing and dares refuse her nothing? she asks—he must give; she calls—he must come; she throws him out—he must go; she threatens—he must tremble. For my part I hold that such a fellow deserves to be called not only a slave but a very vile slave, even

si in amplissima familia natus sit, appellandum puto.

Atque ut in magna familia servorum[1] sunt alii lautiores ut sibi videntur servi sed tamen servi, atrienses ac topiarii, pari stultitia sunt quos signa quos tabulae quos caelatum argentum quos Corinthia opera[2] quos aedificia magnifica nimio opere delectant. Et 'sumus,' inquiunt, 'civitatis principes.' Vos vero ne conservorum quidem vestrorum principes
37 estis; sed ut in familia qui tractant ista, qui tergunt qui ungunt qui verrunt qui spargunt, non honestissimum locum servitutis tenent, sic in civitate qui se istarum rerum cupiditatibus dediderunt ipsius servitutis locum paene infimum obtinent. 'Magna,' inquis, 'bella gessi, magnis imperiis et provinciis praefui.' Gere igitur animum laude dignum. Aetionis tabula te stupidum detinet aut signum aliquod Polycleti. Mitto unde sustuleris et quomodo habeas: intuentem te admirantem clamores tollentem cum video, servum te esse ineptiarum omnium iudico.
38 'Nonne igitur sunt ista festiva?' Sint, nam nos quoque oculos eruditos habemus; sed obsecro te, ita venusta habeantur ista non ut vincula virorum sint sed ut oblectamenta puerorum. Quid enim censes? si L. Mummius aliquem istorum videret matellionem

[1] servorum *Rackham*: stultorum *codd.*
[2] aera ? *Rackham.*

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[a] See § 13 note *c*.
[b] His most celebrated picture was the marriage of Alexander and Roxana. [c] Argive sculptor, *fl.* 452–412 B.C.
[d] Consul 146 B.C., conquered Greece, destroying Corinth;

though he were born in a family of the greatest splendour.

And as in a great family other slaves are (as they fancy themselves) of a higher class, but all the same they are slaves,—the major-domo, the landscape-gardener,—equally foolish are the people who take excessive delight in statues and pictures and chased silver and Corinthian works of art[a] and magnificent buildings. And they say, 'It is we who are the chief people in the state.' On the contrary, you are not actually even the chief among your
37 fellow-slaves; but as in the household those who handle articles of that sort or dust or oil or sweep or sprinkle them do not hold the most honourable rank of slavery, so in the state those who have given themselves up to coveting that sort of thing occupy almost the lowest place in the slave-order itself. You say, 'I have carried on great wars and governed great dominions and provinces.' If so, carry a spirit deserving of praise. You stand gaping spell-bound before a picture of Aetion[b] or a statue of Polyclitus.[c] I pass over the question where you got it from and how you come to have it, but when I see you gazing and marvelling and uttering cries of admiration, I judge you to be the slave of every
38 foolishness. 'Then are not those kinds of things delightful?' Granted that they are, for we also have trained eyes; but I beg of you, do let the charm that those things are deemed to possess make them serve not as fetters for men but as amusements for children. For what do you suppose? if Lucius Mummius[d] saw one of you people handling with eager, covetous

ship-captains conveying unique works of art to Rome were put under bond to replace any lost with others as good.

Corinthium cupidissime tractantem, cum ipse totam Corinthum contempsisset, utrum illum civem excellentem an atriensem diligentem putaret? Revivescat M'. Curius aut eorum aliquis quorum in villa ac domo nihil splendidum nihil ornatum fuit praeter ipsos, et videat aliquem summis populi beneficiis usum barbatulos mullos exceptantem de piscina et pertractantem et muraenarum copia gloriantem: nonne hunc hominem ita servum iudicet ut ne in familia quidem dignum maiore aliquo negotio putet?

39 An eorum servitus dubia est qui cupiditate peculii nullam condicionem recusant durissimae servitutis? Hereditatis spes quid iniquitatis in serviendo non suscipit? quem nutum locupletis orbi senis non observat? Loquitur ad voluntatem, quidquid denuntiatum est facit, assectatur assidet muneratur: quid horum est liberi, quid denique non servi inertis?

40 Quid? iam illa cupiditas quae videtur esse liberalior, honoris imperii provinciarum, quam dura est domina, quam imperiosa, quam vehemens! Cethego homini non probatissimo servire coegit eos qui sibi esse amplissimi videbantur, munera mittere, noctu venire domum ad eum, Praeciae denique supplicare: quae servitus est si haec libertas existimari potest?

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[a] See § 48 note *b*.

[b] A comrade of Catiline. The underhand influence in public affairs of his mistress Praecia is described by Plutarch, *Lucullus*, ch. 6.

looks a little Corinthian pot, whereas he himself had despised the whole of Corinth, would he have thought him a distinguished citizen, or an industrious majordomo? Let Manius Curius[a] return to life, or one of those whose country house and town mansion contained no splendour or decoration except their own personalities, and let him see a man who has enjoyed the highest benefits that the nation bestows catching mullets with their little beards out of his fish-pond and feeling them all over, and priding himself on his large supply of lampreys: would he not put this person down as a slave whom he would not even deem capable of any specially important function in his establishment?

39 Or is there any doubt about the slavery of people who are so covetous of cash that they refuse no condition of the hardest servitude? The hope of a legacy—what harshness of service does it not undertake? what nod from a rich old man without children does it not attend to? It makes conversation when it suits him, executes all his commissions, follows him about, sits at his side, makes him presents: which of these is the action of a free man? which indeed does not mark an indolent slave?

40 Well, next take the class of desire that does seem more worthy of a free man, the ambition for office and military command and governorships: what a hard mistress she is, how domineering, how headstrong! She compelled people who thought themselves very distinguished to slave for Cethegus,[b] not a very estimable person; to send him presents, to wait upon him at his own house by night, even to present their humble entreaties to Praecia: if this can be deemed freedom, what is slavery?

Quid? cum cupiditatum dominatus excessit et alius est dominus exortus ex conscientia peccatorum timor, quam est illa misera quam dura servitus! adolescentibus paullo loquacioribus est serviendum, omnes qui aliquid scire videntur tamquam domini timentur. Iudex vero quantum habet dominatum, quo timore nocentes afficit! an non est omnis metus
41 servitus? Quid valet igitur illa eloquentissimi viri L. Crassi copiosa magis quam sapiens oratio? 'Eripite nos ex servitute': quae est ista servitus tam claro homini tamque nobili? omnis animi debilitati et humilis et fracti timiditas servitus est. 'Nolite sinere nos cuiquam servire': in libertatem vindicari vult? minime; quid enim adiungit? 'nisi vobis universis': dominum mutare, non liber esse vult. 'Quibus et possumus et debemus': nos vero siquidem animo excelso et alto et virtutibus exaggerato sumus nec debemus nec possumus; tu posse te dicito, quoniam quidem potes, debere ne dixeris, quoniam nihil quisquam debet nisi quod est turpe non reddere.

Sed haec hactenus: ille videat quomodo imperator esse possit, cum eum ne liberum quidem esse ratio et veritas ipsa convincat.

[a] Perhaps the speech by which L. Crassus made his name at the age of 21 (119 B.C.), when prosecuting (on what charge is not known) C. Cabirius Carbo. Carbo anticipated conviction by suicide.

[b] See § 33.

Again, when the mastership of the desires is over, and another master has arisen—fear, springing from a guilty conscience,—what a wretched and what a hard slavery that is! it means having to truckle to young people that are a little too talkative, and fearing as one's masters all the people who seem to know something. Then what a powerful master is a judge! what fear he inspires in the guilty! and is not all
41 fear slavery? What is the value therefore of that oration,[a] marked by more fluency than wisdom, delivered by a man of the greatest eloquence, Lucius Crassus? 'Rescue us from slavery': what slavery does this mean, as affecting so famous and distinguished a person? all the timidity of a weakened and humbled and broken spirit is slavery. 'Do not allow us to be in slavery to anybody': does he want to be emancipated in the literal sense? by no means; for what does he add next? 'except to your entire body': he wants to change masters, not to be free. 'Whose servants we both can be and ought to be.' We on the contrary, as we have a high and lofty spirit, exalted by the virtues, neither ought to be nor can be; but for your part by all means say that you can, inasmuch as that is the case, but do not say that you ought, inasmuch as no one owes any service save what it is dishonourable not to render.

But enough of this subject: let the person in question[b] see to it how he can possibly be commander-in-chief when reason and truth herself prove him to be not even free.

PARADOXON VI

Ὅτι μόνος ὁ σοφὸς πλούσιος.
Solum sapientem esse divitem.

42 Quae est ista in commemoranda pecunia tua tam insolens ostentatio? solusne tu dives? Pro di immortales! egone me audivisse aliquid et didicisse non gaudeam? Solusne dives? Quid si ne dives quidem? quid si pauper etiam? Quem enim intellegimus divitem, aut hoc verbum in quo homine ponimus? opinor in eo cui tanta possessio est ut ad liberaliter vivendum facile contentus sit, qui nihil
43 quaerat nihil appetat nihil optet amplius. Animus oportet tuus te[1] iudicet divitem, non hominum sermo neque possessiones tuae. Nihil sibi deesse putat, nihil curat amplius, satiatus est aut contentus etiam pecunia? concedo, dives es. Sin autem propter aviditatem pecuniae nullum quaestum turpem putas (cum isti ordini ne honestus quidem possit esse ullus), si cotidie fraudas decipis poscis pacisceris aufers eripis, si socios spolias aerarium expilas, si testamenta amicorum exspectas aut ne exspectas quidem atque ipse supponis, haec utrum abundantis an egentis
44 signa sunt? Animus hominis dives, non arca appellari solet: quamvis illa sit plena, dum te inanem videbo, divitem non putabo. Etenim ex eo quantum cuique satis est metiuntur homines divitiarum mo-

[1] te *dett.*: se *codd.*

PARADOX VI

That the wise man alone is rich.

42 What is the meaning of that insolent boastfulness of yours in speaking of your money? Are you alone rich? Gracious heavens, am not I to exult in having heard and learnt something? Are you alone rich? What if you are not rich at all? what if you are actually poor? For whom are we to understand as being rich, or to what person are we to apply this term? I suppose to the person who owns so much property that for the purpose of living liberally he is easily contented, the person who looks for and aims
43 at and desires nothing further. It is your own mind that ought to pronounce you rich, not the talk of your neighbours, nor your possessions. Does it think that it lacks nothing, and not trouble about anything further, is it fully satisfied or even merely contented with your money? then, I admit, you are rich. But if you are so greedy for money that you think no mode of profit-making base (though really for your rank none can be even respectable), if every day you cheat and trick and ask and bargain and plunder and snatch, if you defraud your partners and pillage the treasury, if you are in wait for your friends' wills, or don't even wait for them but foist in forged ones yourself, are these the marks of a man of overflowing
44 wealth or of one in need? It is a person's mind to which the term 'rich' is usually applied, not his money-box: although that is full, I shall not think you rich as long as I see you yourself empty. In fact people measure the amount of wealth in accordance with what is sufficient for each individual. Has

dum. Filiam quis habet? pecunia est opus; duas? maiore; plures? maiore etiam; si, ut aiunt Danao, quinquaginta sint filiae, tot dotes magnam quaerunt pecuniam! Quantum enim cuique opus est ad id accommodatur, ut ante dixi, divitiarum modus; qui igitur non filias plures sed innumerabiles cupiditates habet quae brevi tempore maximas copias exhaurire possint, hunc quo modo ego appellabo divitem cum
45 ipse etiam egere se sentiat? Multi[1] te audierunt cum diceres neminem esse divitem nisi qui exercitum alere posset suis fructibus, quod populus Romanus tantis vectigalibus iampridem vix potest. Ergo hoc proposito numquam eris dives ante quam tibi ex tuis possessionibus tantum reficietur ut eo tueri sex legiones et magna equitum ac peditum auxilia possis. Iam fateris igitur non esse te divitem cui tantum desit ut expleas id quod exoptas; itaque istam paupertatem vel potius egestatem ac mendicitatem tuam
46 numquam obscure tulisti. Nam ut eis qui honeste rem quaerunt mercaturis faciendis, operis dandis, publicis sumendis, intellegimus opus esse quaesito, sic qui videt domi tuae pariter accusatorum atque indicum consociatos greges, qui nocentes et pecuniosos reos eodem te actore corruptelam iudicii molientes, qui tuas mercedum pactiones in patrociniis, intercessiones pecuniarum in coitionibus candidatorum, dimissiones libertorum ad fenerandas diripiendasque

[1] multi *Rackham*: multi ex, *aut* multa ex *codd.*

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[a] Mythical king of Argos, married his 50 daughters to the 50 sons of his brother Aegyptus; 49 of the brides murdered their husbands.

[b] Pliny, *Nat. Hist.* xxxiii. 47 assigns this saying to M. Crassus, with whom indeed the object of Cicero's satire here might well have been identified on general grounds also.

a man a daughter? he needs money. Two? more money. More than two? more money still. And if a man were to have fifty daughters, like Danaus[a] in the story, fifty dowries call for a lot of money! For the measure of a man's wealth, as I said before, corresponds to the amount that he individually requires; therefore how is a person who possesses, not several daughters, but desires past counting, which are capable of draining dry the largest resources in a short time, to receive from me the title of rich, when
45 he himself feels that he is actually needy? Many persons have heard you say that nobody is rich except a person who is able with his own income to maintain an army[b]; a thing which the Roman people with all its revenues has long been scarcely able to do. It follows from this premiss that you will never be rich before you derive a sufficient return from your possessions to enable you to keep six legions and large auxiliary forces of cavalry and infantry. Therefore you are now admitting that you are not rich, as you fall so far short of being able to satisfy your full desires; and accordingly you have never made any secret of the poverty or rather the beggarly destitu-
46 tion which you endure. For just as we are aware that those who seek wealth in an honourable manner, by mercantile enterprises or by undertaking contracts or farming taxes, require to gain money, so anybody seeing the gangs of prosecutors and informers all herded together at your house, the guilty and rich men on trial likewise at your prompting plotting some plan to seduce a jury, your bargains for profits in defending actions, guaranteeings of sums of money in coalitions between candidates, dispatchings of freedmen to drain with usury and to plunder the

provincias, qui expulsiones vicinorum, qui latrocinia in agris, qui cum servis cum libertis cum clientibus societates, qui possessiones vacuas, qui proscriptiones locupletium, qui caedes municipiorum, qui illam Sullani temporis messem recordetur, qui tot[1] testamenta subiecta, tot[2] sublatos homines, qui denique omnia venalia, delectum decretum, alienam suam sententiam, forum domum, vocem silentium, quis hunc non putet confiteri sibi quaesito opus esse? cui autem quaesito opus sit, quis umquam hunc vere
47 dixerit divitem? etenim divitiarum est fructus in copia, copiam autem declarat satietas rerum atque abundantia; quam tu quoniam numquam assequere numquam omnino es futurus dives.

Meam autem quoniam pecuniam contemnis (et recte, est enim ad vulgi opinionem mediocris, ad tuam nulla, ad meam modica), de me silebo, de re
48 loquar. Si censenda nobis atque aestimanda res sit, utrum tandem pluris aestimemus pecuniam Pyrrhi quam Fabricio dabat an continentiam Fabricii qui illam pecuniam repudiabat? utrum aurum Samnitum an responsum M'. Curii? hereditatem L. Paulli an liberalitatem Africani qui eius hereditatis Q.

[1] tot *add. Rackham.* [2] tot *Rackham:* tot qui *codd.*

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[a] King of Epirus, supported Tarentum against Rome by invading Italy and Sicily, 280 B.C. Fabricius Luscinus was sent to him to negotiate an exchange of prisoners, and rejected his attempts to buy him over to his service.

[b] M'. Curius Dentatus, consul 290 B.C., conquered the Samnites, after 49 years of war. A Samnite embassy once found him at his farm-house roasting turnips on the hearth; he refused their presents, saying he preferred ruling over the owners of gold to owning it himself. See also §§ 12, 38.

provinces, dislodgements of neighbours, landgrabbings, partnerships with slaves and freedmen and clients, empty properties, proscriptions of wealthy men, massacres of the free towns, and who remembers the notorious harvest reaped in the period of Sulla, the many wills forged, the many persons put out of the way, and finally the universal corruption—recruiting, ordinances, another man's vote, his own vote, the public courts, the home, utterance, silence, all on sale,—who would not deem that this person confesses his need of gain? But who can ever have correctly described a person who needs to make gain
47 as a wealthy man? For the value of wealth consists in abundance, and abundance means a full and overflowing supply of goods; and as this will never be attained by you, you will never be a wealthy man at all.

But as my money meets with your scorn, and rightly (for to the ideas of the common public it is moderate, to yours, non-existent, to mine a modest sum), I will be silent about myself and speak about
48 the subject of property. If we are to hold an assessment and a valuation of property, pray shall we set a higher value on the money of Pyrrhus[a] that he offered to Fabricius or on the self-restraint of Fabricius who put that money away from him? on the gold of the Samnites or the reply of Manius Curius?[b] the bequest of Lucius Paullus or the generosity of Africanus[c] who surrendered his own

[c] Scipio Minor, victor of Third Punic War, younger son of Aemilius Paullus, conqueror of Macedon, but adopted by the son of the elder Africanus the conqueror of Hannibal.

Maximo fratri partem suam concessit? haec profecto quae sunt summarum virtutum pluris aestimanda sunt quam illa quae sunt pecuniae. Quis igitur, si quidem ut quisque quod plurimi sit possideat ita ditissimus habendus sit, dubitet quin in virtute divitiae sint, quoniam nulla possessio, nulla vis auri et argenti pluris quam virtus aestimanda est?

49 O di immortales! non intellegunt homines quam magnum vectigal sit parsimonia! venio enim iam ad sumptuosos, relinquo istum quaestuosum. Capit ille ex suis praediis sescenta sestertia, ego centena ex meis: illi aurata tecta in villis et sola marmorea facienti et signa tabulas supellectilem[1] vestem infinite concupiscenti non modo ad sumptum ille est fructus sed etiam ad fenus exiguus, ex meo tenui vectigali detractis sumptibus cupiditatis aliquid etiam redundabit. Uter igitur est divitior, cui deest an cui superat? qui eget an qui abundat? cuius possessio quo est maior eo plus requirit ad se tuendam,
50 an quae suis se viribus sustinet? Sed quid ego de me loquor qui morum ac temporum vitio aliquantum etiam ipse fortasse in huius saeculi errore verser? M'. Manilius patrum nostrorum memoria (ne semper Curios et Luscinos loquamur) pauper tandem fuit? habuit enim aediculas in Carinis et fundum in Labicano. Nos igitur divitiores qui plura habemus?

[1] *Lambinus:* supellectilem et *codd.*

[a] Say £5300 and £880 gold.
[b] See § 48 notes *a* and *b*.
[c] Consul in first year of Third Punic War, 149 B.C.; celebrated jurist.
[d] A fashionable residential region between the Caelian and Esquiline Hills, now S. Pietro in Vincoli.
[e] Labicum in the Alban Hills, 15 miles S.E. of Rome.

share of that bequest to his brother Quintus Maximus? Assuredly the latter form of wealth in each case, the possession of supreme virtue, is to be valued higher than the former, the ownership of money. Assuming therefore that we ought to count each man most wealthy in proportion as he owns the property that is worth most, who could doubt that riches consist in virtue, since no possession, no quantity of gold and silver is to be valued higher than virtue?

49 Great heavens, cannot people realize how large an income is thrift! for I now come to the spenders of money and leave your profiteer who makes it. Yonder landlord's rents bring him in 600 sestertia, mine 100[a]; but as he adorns his country houses with gilt ceilings and marble floors and has an unlimited covetousness for statues, pictures, furniture and clothes, that return is scanty not only for his expenditure but even for the interest on his debts; whereas my narrow income will actually show a certain balance left over after the expenses of my tastes have been deducted. Which of us then is richer, the one who has a deficit or the one who has a surplus? the one who is in need or the one who has plenty? the one who requires more to keep him going the larger his property is, or the one
50 who maintains himself by his own resources? But why do I talk about myself, who owing to the fault of our habits and of the times am possibly even myself somewhat involved in the present generation's error? Within our own fathers' memory (that we may not be always talking of Curii and Luscini[b]), pray was Manius Manilius[c] a poor man? for he had a small town house on the Keels[d] and a farm near Labicum.[e] Are we therefore richer, who own more property?

Utinam quidem! sed non aestimatione census verum
51 victu atque cultu terminatur pecuniae modus. Non esse cupidum pecunia est, non esse emacem vectigal est; contentum vero suis rebus esse maximae sunt certissimaeque divitiae.

Etenim si isti callidi rerum aestimatores prata et areas quasdam magno aestimant quod ei generi possessionum minime quasi noceri potest, quanti est aestimanda virtus quae nec eripi nec subripi potest umquam, neque naufragio neque incendio amittitur, nec vi tempestatum nec temporum perturbatione
52 mutatur! Qua praediti qui sunt soli sunt divites, soli enim possident res et fructuosas et sempiternas, solique (quod est proprium divitiarum) contenti sunt rebus suis, satis esse putant quod est, nihil appetunt, nulla re egent, nihil sibi deesse sentiunt, nihil requirunt. Improbi autem et avari, quoniam incertas atque in casu positas possessiones habent et plus semper appetunt nec eorum quisquam adhuc inventus est cui quod haberet esset satis, non modo non copiosi ac divites sed etiam inopes ac pauperes existimandi sunt.

I only wish we were! but it is one's mode of life and one's culture, not one's valuation for rating, that
51 really fixes the amount of one's money. Not to be covetous is money, not to love buying things is an income; in fact contentment with one's own possessions is a very large and perfectly secure fortune!

Indeed if your skilled valuers set a high value on particular rural and urban sites for the reason that this class of property is least liable to damage, how great a value should be set on virtue, of which one can never be robbed or cheated, and which is not lost by shipwreck or fire, or affected by the violence
52 of storms or by stormy periods in politics! Those endowed with virtue alone are rich, for they alone possess property that both produces profit and lasts for ever, and they alone have the special characteristic of wealth—contentment with what is theirs; they think what they have got is enough and seek for nothing more, they want nothing, think that they lack nothing, need nothing. Whereas the wicked and the covetous, as the property that they own is uncertain and depends on chance, and as they are always seeking to get more and not one of them was ever hitherto found who was content with what he had, are to be deemed not only not well-off and rich but actually needy and poor.

DE PARTITIONE ORATORIA

INTRODUCTION

The *De Partitione Oratoria*, " Of the Classification of Rhetoric "—or, as the title is also recorded, *Partitiones Oratoriae*, " The Divisions (διαιρέσεις) of Oratory " —is a brief but detailed essay on the art of oratory, designed for the instruction of Cicero's son Marcus Tullius. It is based on the system of rhetoric of the Middle Academy, and it takes the form of a dialogue, in which the questions of young Cicero are answered by his father. It is the most purely scientific of all Cicero's writings on rhetoric, and the technical terms employed make the meaning occasionally rather obscure. Its authenticity has been challenged, but it is repeatedly quoted as Cicero's by Quintilian without any expression of doubt.

The scene of the dialogue is not specified, but we may doubtless place it at Cicero's villa at Tusculum. He says at the beginning of the work that it was written when he was completely at leisure, having at last been able to leave Rome. This may be taken to indicate the end of 46 B.C. or the beginning of the following year, shortly before the death of Tullia and the departure of young Marcus to study at Athens as his father had done before him. The young student would be nineteen years old. He had already served in Pompey's army in Greece. As to his later career, on the death of Caesar in 44 B.C., he joined the

republican party, and held a commission in the forces of Brutus in Macedonia, fought at Philippi, and after the defeat fled to Sextus Pompeius in Sicily. When peace was concluded three years later he shared in the general amnesty, and was actually the colleague of Octavian in the consulship in 30 B.C.

The present treatise falls into three parts, which deal respectively with a speaker's personal resources in point of matter and style, the structure of a speech, and the various subjects available for treatment.

I (§ 5) *Vis oratoris*: the functions of an orator are (1) *inventio*, the discovery of arguments designed to convince or to influence the audience—arguments either elicited from the evidence or inherent in the facts of the case; (2) *collocatio* (§ 9), the arrangement of the arguments in a manner suited to the nature of the speech—according as it is to be delivered in a court of law, or in a deliberative assembly, or for the purpose of display; (3) *elocutio* (§ 16)—varieties of style are analysed; and finally, (§ 25) (4) *actio*, graces of delivery, and (5) *memoria* are briefly glanced at.

II (§ 27) *Oratio*: the structure of a speech comprises four divisions, (1) *exordium*, the introduction, aimed at securing a favourable attention; (2) (§ 31) *narratio*, the statement of the case, which must be clear, convincing and attractive; (3*a*) (§ 33) *confirmatio*, proof of the case by arguments from probability, by definition (§ 41) of the essential properties of the facts and by explanation of the quality of the action with which the case is concerned, together with (3 *b*) (§ 44) *reprehensio*, refutation of the opponent's case, and (3 *c*), (§ 45) rules for the development of the argument and for the handling of witnesses; (4), (§ 52) *peroratio*, the summing up, which

consists of (*a*) amplification and (*b*) recapitulation (§ 59) of the arguments already advanced.

III (§ 61) *Quaestio*, the matter at issue; this is either (1) *infinita*, "undefined," *i.e.* a general discussion of a theoretical or practical topic, not dealing with particular persons or occasions—in this case it is called a *propositum*, "thesis," or *consultatio*, "debate," —or (2) *finita*, "limited," *i.e.* dealing with a particular person or subject, when it is called *causa*—though this is really a subdivision of the former. (1) An *infinita quaestio* (§ 62) is of two kinds—*cognitio*, dealing with the existence, essential nature and qualities of the thing dealt with, and *actio* (§ 67), discussing the means and method by which something can be obtained or avoided. (2) A *finita quaestio* (§ 69) is of three kinds, (i) *genus demonstrativum*, a speech in praise or in depreciation of a person's character—there follows (§ 75) a discussion of the virtues and vices; (ii) *genus deliberativum* (§ 83), delivered in a public assembly on a matter of policy, when the motives of men's actions must be analysed by means of a scale of values; and (iii) *genus iudiciale* (§ 98), a speech in a lawsuit; the lines to be taken by the prosecution (§ 101) are tabulated and points for treatment detailed —questions of fact, the moral qualities of the parties, the meaning of documents, etc. Corroborative evidence (§ 114) must be produced—hints are given for handling witnesses and for their examination under torture. Then (§ 119) lines of defence are indicated, countering the above. Both parties can support their case (§ 123) by means of defining legal terms and by the use of other commonplaces of pleading, *e.g.* moral considerations. Suggestions are added (§ 132) for dealing with documents produced in evidence and

with disputes as to the meaning of the law and as to considerations of equity.

In conclusion (§ 139) it is urged that the study of logic and of moral science forms an essential part of the education of an orator.

M. TULLII CICERONIS

DE PARTITIONE ORATORIA

1 I. CICERO FILIUS. Studeo, mi pater, Latine ex te audire ea quae mihi tu de ratione dicendi Graece tradidisti—si modo tibi est otium, et si vis.

CICERO PATER. An est, mi Cicero, quod ego malim quam te quam doctissimum esse? Otium autem primum est summum, quoniam aliquando Roma exeundi potestas data est; deinde ista tua studia vel maximis occupationibus meis anteferrem libenter.

2 C. F. Visne igitur, ut tu me Graece soles ordine interrogare, sic ego te vicissim eisdem de rebus Latine interrogem?

C. P. Sane, si placet. Sic enim et ego te meminisse intellegam quae accepisti et tu ordine audies quae requires.

3 C. F. Quot in partes distribuenda est omnis doctrina dicendi?

C. P. In tres.

C. F. Cedo quas?

MARCUS TULLIUS CICERO

CLASSIFICATION OF ORATORY

Introduction.

1 I. CICERO JUNIOR. Father, I should like you to give me in Latin the information that you have imparted to me in Greek about the theory of rhetoric—that is if you are at leisure, and if you wish to do so.

CICERO SENIOR. Is there anything, my boy, that I could wish more than that you should be as accomplished a scholar as possible? And, as for leisure, in the first place I have plenty of that now that I have at last obtained an opportunity of going out of town; and in the second place, I would gladly give your oratorical studies precedence over even the most important engagements of my own.

2 C. JUN. Well then, are you agreeable to my adopting your method, and putting to you a series of questions in Latin about the same subjects as you examine me upon in Greek?

C. SEN. By all means if you like, as that procedure will enable me to see that you have remembered your previous lesson, and you will be able to obtain information on the points you raise *seriatim*.

Theory of Rhetoric: three divisions, with subdivisions.

3 C. JUN. Into how many parts ought the theory of rhetoric as a whole to be divided?

C. SEN. Three.

C. JUN. Pray tell me what they are.

C. P. Primum in ipsam vim oratoris, deinde in orationem, tum in quaestionem.

C. F. In quo est ipsa vis ?

C. P. In rebus et verbis. Sed et res et verba invenienda sunt et collocanda—proprie autem in rebus invenire, in verbis eloqui dicitur, collocare autem, etsi est commune, tamen ad inveniendum refertur. Vox, motus, vultus atque omnis actio eloquendi comes est, earumque rerum omnium custos est memoria.

4 C. F. Quid ? orationis quot sunt partes ?

C. P. Quattuor. Earum duae valent ad rem docendam, narratio et confirmatio, ad impellendos animos duae, principium et peroratio.

C. F. Quid ? Quaestio quasnam habet partes ?

C. P. Infinitam, quam consultationem appello, et definitam, quam causam nomino.

5 II. C. F. Quoniam igitur invenire primum est oratoris, quid quaeret ?

C. P. Ut inveniat quemadmodum fidem faciat eis quibus volet persuadere et quemadmodum motum eorum animis afferat.

C. F. Quibus rebus fides fit ?

C. P. Argumentis, quae ducuntur ex locis aut in re ipsa insitis aut assumptis.

C. F. Quos vocas locos ?

C. P. Eos in quibus latent argumenta.

[a] *i.e.*, a general inquiry, a debate as to principle or method.

C. Sen. First, the speaker's personal resources, second the speech, and third the question.

C. Jun. In what do the speaker's personal resources consist ?

C. Sen. In matter and in language. But both matter and language have to be found and have to be arranged—although the term 'invention' is used specially of the matter and 'delivery' of the language, but arrangement, though belonging to both, nevertheless is applied to invention. With delivery go voice, gesture, facial expression and general bearing, and all of these are in the keeping of memory.

4 C. Jun. Next the speech—into how many parts does it fall ?

C. Sen. Four parts. Two of them, the statement of the facts and the proof, serve to establish the case, and two, the exordium and the peroration, to influence the mind of the audience.

C. Jun. Next, what exactly are the divisions of the question ?

C. Sen. One unlimited, which I call a discussion,[a] and the other limited, to which I give the name of a cause.

I. The speaker's functions: (1) invention of arguments to convince or to influence.

5 II. C. Jun. Inasmuch then as the first of the speaker's functions is to invent, what will be his aim ?

C. Sen. To discover how to convince the persons whom he wishes to persuade and how to arouse their emotions.

C. Jun. What things serve to produce conviction ?

C. Sen. Arguments, which are derived from topics that are either contained in the facts of the case itself or are obtained from outside.

C. Jun. What do you mean by topics ?

C. Sen. Pigeonholes in which arguments are stored.

C. F. Quid est argumentum?

C. P. Probabile inventum ad faciendam fidem.

6 C. F. Quomodo igitur duo genera ista dividis?

C. P. Quae sine arte putantur, ea remota appello, ut testimonia.

C. F. Quid insita?

C. P. Quae inhaerent in ipsa re.

C. F. Testimoniorum quae sunt genera?

C. P. Divinum et humanum: divinum, ut oracula, ut auspicia, ut vaticinationes, ut responsa sacerdotum, haruspicum, coniectorum, humanum, quod spectatur ex auctoritate et ex voluntate et ex oratione aut libera aut expressa: in quo insunt scripta, pacta, promissa, iurata, quaesita.

7 C. F. Quae sunt quae dicis insita?

C. P. Quae infixa sunt rebus ipsis, [tum ex toto, tum ex partibus, tum ex notatione, tum ex eis rebus quae quodammodo affectae sunt ad id de quo quaeritur et ad id totum de quo disseritur; tum definitio adhibetur, tum partium enumeratio, tum notatio verbi; ex eis autem rebus quae quodammodo affectae sunt ad id de quo quaeritur alia coniugata appellantur [alia][1] ex genere, alia ex forma, alia ex similitudine, alia ex differentia, alia ex contrario, alia ex coniunctis, alia ex antecedentibus, alia ex consequentibus, alia ex repugnantibus, alia ex causis, alia ex effectis, alia ex comparatione maiorum aut

[1] *Rackham.*

C. Jun. What is an argument?

C. Sen. A plausible device to obtain belief.

6 C. Jun. How then do you distinguish between the two kinds of arguments you speak of?

C. Sen. Arguments thought of without using a system I term arguments from outside, for instance the evidence of witnesses.

C. Jun. What do you mean by internal arguments?

C. Sen. Those inherent in the actual facts of the case.

C. Jun. What kinds of evidence are there?

C. Sen. Divine and human. Divine evidence is for instance oracles, auspices, prophecies, the answers of priests and augurs and diviners; human evidence is what is viewed in the light of authority and inclination and things said either freely or under compulsion—the evidence that includes written documents, pledges, promises, statements made on oath or under examination.

7 C. Jun. What do you mean by internal arguments?

C. Sen. Those that are inherent in the facts themselves, [sometimes derived from the whole, sometimes from parts, sometimes from their designation, sometimes from things in some way related to the point under investigation and to the whole of the subject under discussion; sometimes definition is employed, sometimes enumeration of the parts, sometimes etymology; and of the things related in some way to the matter under investigation some are termed generically related, others formally, others by similarity, others by difference, others as contraries, others as connected, or as precedent, or as consequent, or as contrary, or causally, or in effect, or by

parium aut minorum :][1] ut definitio, ut contrarium, ut ea quae sunt ipsi contrariove eius aut similia aut dissimilia aut consentanea aut dissentanea : ut ea quae sunt quasi coniuncta aut ea quae sunt quasi pugnantia inter se : ut earum rerum de quibus agitur causae, aut causarum eventus, id est, quae sunt effecta de causis : ut distributiones, ut genera partium generumve partes : ut primordia rerum et quasi praecurrentia, in quibus inest aliquid argumenti : ut rerum contentiones, quid maius, quid par, quid minus sit, in quibus aut naturae rerum aut facultates comparantur.

8 III. C. F. Omnibusne igitur ex his locis argumenta sumemus ?

C. P. Immo vero scrutabimur et quaeremus ex omnibus : sed adhibebimus iudicium ut levia semper reiiciamus, nonnumquam etiam communia praetermittamus et[2] non necessaria.

C. F. Quoniam de fide respondisti, volo audire de motu.

C. P. Loco[3] quidem quaeris, sed planius quod vis explicabitur cum ad orationis ipsius quaestionumque rationem venero.

9 C. F. Quid sequitur igitur ?

C. P. Cum inveneris, collocare : cuius[4] in infinita quaestione ordo est idem fere quem exposui locorum ; in definita autem adhibenda sunt illa etiam quae ad motus animorum pertinent.

[1] [tum ex toto . . . aut minorum] *Ernesti.*
[2] [communia] praetermittamus [et] *Ernesti.*
[3] *Ernesti :* loco tu *aut* tu loco.
[4] [cuius] *Ernesti.*

[a] The passage bracketed is apparently an interpolation. it is an abbreviation of *Topica* §§ 8-20.

comparison with things greater or equal or smaller] [a] ; for instance definition, antithesis, things either like or unlike or consistent or inconsistent with the thing itself or with its antithesis ; things that are as it were mutually connected or mutually hostile ; the causes of the things under discussion, or the consequences of those causes, that is the things produced by the causes ; or distributions or classes of sections or sections of classes ; or the elements and so to speak pre-conditions of things that contain some factor of argument ; or comparisons of things, distinguishing the greater, equal and less in magnitude,—the procedures in which either the essences or the potentialities of things are compared.

8 III. C. Jun. Shall we then derive arguments from all the topics you specify ?

C. Sen. Say rather that we shall examine them and seek for arguments from them all ; but we shall use our judgement always to reject those of little value and also sometimes to pass over those that are of general application and not intimately related to our case.

C. Jun. As you have answered my inquiry as to convincing, I wish to be told about arousing emotion.

C. Sen. Your inquiry is it is true not out of place, but what you want will be explained more clearly when I come to the theory of the actual speech and of inquiries.

9 C. Jun. What is the next step then ?

C. Sen. Having found your arguments, to put them together ; and in an unlimited inquiry the order of arrangement is almost the same as that in the arrangement of topics which I have explained ; but in a limited inquiry we must also employ the means designed to excite the emotions. (2) Arrangement of arguments :

C. F. Quomodo igitur ista explicas ?

C. P. Habeo communia praecepta fidem faciendi et commovendi. Quoniam fides est firma opinio, motus autem animi incitatio aut ad voluptatem aut ad molestiam aut ad metum aut ad cupiditatem (tot enim sunt motus genera, partes plures generum singulorum), omnem collocationem ad finem accommodo quaestionis. Nam est in proposito finis fides, in causa et fides et motus. Quare cum de causa dixero, in qua est propositum, de utroque dixero.

10 C. F. Quid habes igitur de causa dicere ?

C. P. Auditorum eam genere distingui. Nam aut auscultator est modo qui audit aut disceptator, id est, rei sententiaeque moderator : ita ut aut delectetur aut statuat aliquid. Statuit autem aut de praeteritis, ut iudex, aut de futuris, ut senatus. Sic tria sunt genera, iudicii, deliberationis, exornationis—quae quia in laudationes maxime confertur, proprium habet iam ex eo nomen.

11 IV. C. F. Quas res sibi proponet in istis tribus generibus orator ?

C. P. Delectationem in exornatione, in iudicio aut saevitiam aut clementiam iudicis, in suasione autem aut spem aut reformidatiónem deliberantis.

C. Jun. How then do you explain these ?

C. Sen. I have a set of instructions adapted both for producing conviction and for exciting emotion. As a conviction is a firmly established opinion, while emotion is the excitement of the mind to either pleasure or annoyance or fear or desire—for there are all these kinds of emotion and each kind has several divisions—, I adapt the whole method of arrangement to the purpose of the inquiry ; for the purpose of the statement is to convince, and that of the case is both to convince and to excite emotion. Consequently when I have dealt with the case, which contains the statement, I shall have spoken of them both.

10 C. Jun. What have you to say then about the case ?

Speeches judicial, deliberative or for display.

C. Sen. I say that it varies according to the class of the audience. For a member of the audience is either merely a hearer or an arbitrator, *i.e.* an estimater of fact and opinion ; consequently it must aim either at giving pleasure to the hearer or at causing him to make some decision. But he makes a decision either about things that are past, as a judge does, or about things in the future, as the senate does ; so there are these three divisions, dealing with judgement, with deliberation and with embellishment ; the latter has obtained its special name from the fact that it is particularly employed in panegyrics.

11 IV. C. Jun. What objects will the speaker put before him in the three kinds of style you mention ?

C. Sen. In embellishment, he will aim at giving pleasure ; in judgement, at arousing either severity or clemency in the judge ; in persuasion, at inspiring either hope or alarm in a member of a deliberative body.

C. F. Cur igitur exponis hoc loco genera controversiarum ?

C. P. Ut rationem collocandi ad finem cuiusque accommodem.

12 C. F. Quonam tandem modo ?

C. P. Quia quibus in orationibus delectatio finis est varii sunt ordines collocandi. Nam aut temporum servantur gradus aut generum distributiones, aut a minoribus ad maiora ascendimus aut a maioribus ad minora delabimur : aut haec inaequabili varietate distinguimus, cum parva magnis, simplicia coniunctis, obscura dilucidis, laeta tristibus, incredibilia probabilibus inteximus, quae in exornationem cadunt omnia.

13 C. F. Quid ? in deliberatione quid spectas ?

C. P. Principia vel non longa vel saepe nulla ; sunt enim ad audiendum qui deliberant sua causa parati. Nec multum sane saepe narrandum est ; est enim narratio aut praeteritarum rerum aut praesentium, suasio autem futurarum. Quare ad fidem et ad motum adhibenda est omnis oratio.

14 C. F. Quid ? in iudiciis quae est collocatio ?

C. P. Non eadem accusatoris et rei, quod accusator rerum ordinem prosequitur et singula argumenta quasi hasta in manu collocata vehementer proponit, concludit acriter, confirmat tabulis, decretis, testi-

C. Jun. Why then do you set out the classes of cases at this point ?

C. Sen. So that I may adjust my scheme of arrangement to the purpose of each.

12 C. Jun. How so pray ?

C. Sen. Because in speeches the purpose of which is to give pleasure there are various methods of arrangement. For we either keep to chronological order or to arrangement in classes ; or we ascend from smaller matters to larger, or glide down from larger ones to smaller ; or we group these with complete irregularity, intertwining small matters with great ones, simple with complicated, obscure with clear, cheerful with gloomy, incredible with probable—all of these methods falling under the head of embellishment.

13 C. Jun. Well, what do you aim at in the case of deliberation ?

C. Sen. Opening passages either brief or often absent altogether—for members of a deliberative body are prepared to listen for their own sake. Nor indeed in many cases is much narration needed ; for narrative deals with matters past or present, but persuasion deals with the future. Consequently the whole of the speech must be applied to convincing and arousing emotion.

14 C. Jun. Well, what is the system of arrangement in judicial cases ?

C. Sen. It is not the same for the prosecutor as for the defendant, because the prosecutor follows the order of the facts and after arranging his series of arguments ready in his hand like a spear, states them vehemently, draws his conclusions freely, supports them with documents and decrees and the evidence

moniis, accuratiusque in singulis commoratur; perorationisque praeceptis, quae ad incitandos animos valent, et in reliqua oratione paullulum digrediens de cursu dicendi utitur et vehementius in perorando. Est enim propositum ut iratum efficiat iudicem.

15 V. C. F. Quid faciendum est contra reo?

C. P. Omnia longe secus. Sumenda principia ad benevolentiam conciliandam; narrationes aut amputandae quae laedunt, aut relinquendae si totae sunt molestae; firmamenta ad fidem posita aut per se diluenda aut obscuranda aut degressionibus obruenda; perorationes autem ad misericordiam conferendae.

C. F. Semperne igitur ordinem collocandi quem volumus tenere possumus?

C. P. Non sane; nam auditorum aures moderantur oratori prudenti et provido, et quod respuunt immutandum est.

16 C. F. Expone deinceps quae ipsius orationis verborumque praecepta sint.

C. P. Unum igitur genus est eloquendi sua sponte fusum, alterum conversum[1] atque mutatum. Prima vis est in simplicibus verbis, in coniunctis secunda. Simplicia invenienda sunt, coniuncta collocanda. Et simplicia verba partim nativa sunt, partim reperta: nativa ea quae significata sunt sensu, reperta quae

[1] *Rackham:* versum.

[a] *Peroratio* properly denotes any rhetorical harangue summing up the argument and enforcing it by an appeal to feeling, but it was of course specially used of the conclusion of a speech, as in §§ 4, 52.

of witnesses, and dwells upon them in detail with greater precision, employing the principles of perorating[a] that are effective in arousing feeling, both in the rest of his speech when he diverges a little from his line of discourse, and with greater vehemence in the concluding peroration. For his object is to make the judge angry.

15 V. C. Jun. What must the defendant do on the other side?

C. Sen. His entire procedure must be widely different. His opening remarks must be chosen for the purpose of securing goodwill; narrations must either be cut down if they are tiresome, or dropped altogether if they are entirely wearisome; corroborations put forward to carry conviction must either be done away with as a separate item, or thrown into the background, or covered up with digressions; while peroration passages must be devoted to securing compassion.

C. Jun. Shall we always be able to keep to the plan of arrangement that we desire?

C. Sen. Certainly not; the prudent and cautious speaker is controlled by the reception given by his audience—what it rejects has to be modified.

16 C. Jun. Next expound the rules applying to the speech itself and to its style of diction.

(3) diction: vocabulary and structure of sentence, aiming at brilliance or charm or interest;

C. Sen. There is one kind of oratory that flows on spontaneously, and another that inverts and modifies. The first resource consists in single words, and the second in combinations of words. Single words require discovering, combination calls for arrangement. Also single words are some of them natural and some invented. Natural words are ones that are indicated by the meaning; invented words are made out of the

ex his facta sunt et novata aut similitudine aut imitatione aut inflexione aut adiunctione verborum.
17 Atque etiam est haec distinctio in verbis—altera natura, tractatione altera: natura, ut sint alia sonantiora, grandiora, leviora et quodammodo nitidiora, alia contra; tractatione autem, cum aut propria sumuntur rerum vocabula aut addita ad nomen aut nova aut prisca aut ab oratore modificata et inflexa quodammodo—qualia sunt ea quae transferuntur aut immutantur aut ea quibus tamquam abutimur aut ea quae obscuramus, quae incredibiliter tollimus quaeque mirabilius quam sermonis consuetudo patitur ornamus.

18 VI. C. F. Habeo de simplicibus verbis: nunc de coniunctione quaero.

C. P. Numeri quidam sunt in coniunctione servandi, consecutioque verborum. Numeros aures ipsae metiuntur, ne aut non compleas verbis quod proposueris aut redundes; consecutio autem, ne generibus, numeris, temporibus, personis, casibus perturbetur oratio. Nam ut in simplicibus verbis quod non est Latinum, sic in coniunctis quod non
19 est consequens vituperandum est. Communia autem simplicium coniunctorumque sunt haec quinque quasi lumina, dilucidum, breve, probabile, illustre, suave. Dilucidum fit usitatis verbis propriis, dispositis aut circumscriptione conclusa aut intermissione aut concisione verborum. Obscurum autem aut longitudine aut contractione orationis aut

former, and are coined either by similarity or imitation
17 or modification or combination of words. And also there is the further distinction among words that some exist by nature and others by usage. Words are formed by nature so as to be some of them more sonorous, grander, smoother and in some way more brilliant, and others the contrary; and words are formed by usage when the proper terms for things are employed, or epithets added to the noun, or terms that are new or archaic or altered and modified in some way by the speaker—as for instance words used metaphorically or metonymically, or those which we so to say misuse, or those which we degrade or extravagantly elevate and deck out in greater splendour than the custom of ordinary conversation allows.

18 VI. C. Jun. Well, I understand about single words, so now I want to be told about combination of words.

C. Sen. In combining words the things that have to be observed are certain rhythms, and sequence. Rhythms are judged by the ear itself, to secure one against either failing to fill out the verbal scheme one has proposed or being over-full; while sequence guards the style against irregularity of gender, number, tense, person or case. For neglect of sequence in combinations of words is just as much to
19 be censured as bad Latinity in single words. But the following five ornaments belong in common both to single words and to combinations of words: lucidity, brevity, acceptability, brilliance, charm. Lucidity is secured by using the accepted words in their proper meanings, arranged either in rounded periods or in short clauses and divisions. Obscurity is caused by either length or abridgement of style or ambiguity

ambiguitate aut inflexione atque immutatione verborum. Brevitas autem conficitur simplicibus verbis semel una quaque re dicenda, nulli rei nisi ut dilucide dicas serviendo. Probabile autem genus est orationis si non nimis est comptum atque expolitum, si est auctoritas et pondus in verbis, si sententiae vel graves vel aptae opinionibus hominum et moribus.

20 Illustris autem oratio est si et verba gravitate delecta ponuntur et translata et superlata et ad nomen adiuncta et duplicata et idem significantia atque ab ipsa actione atque imitatione rerum non abhorrentia. Est enim haec pars orationis quae rem constituat paene ante oculos, is enim maxime sensus attingitur : sed ceteri tamen, et maxime mens ipsa moveri potest. Sed quae dicta sunt de oratione dilucida, cadunt in hanc illustrem omnia; est enim pluris[1] aliquanto illustre quam illud dilucidum : altero fit ut intellegamus, altero vero ut videre videamur.

21 Suave autem genus erit dicendi primum elegantia et iucunditate verborum sonantium et lenium, deinde coniunctione quae neque asperos habeat concursus neque disiunctos atque hiantes et sit circumscripta non longo anfractu sed ad spiritum vocis apto habeatque similitudinem aequalitatemque verborum; tum ex contrariis sumpta verbis,[2] crebra crebris, paria paribus respondeant: relataque ad idem verbum et geminata [atque duplicata][3] vel etiam saepius iterata

[1] *Rackham :* plus. [2] [verbis] *Ernesti.* [3] *Ernesti.*

or modification of words or metonymy. Brevity is achieved by expressing each separate idea once, in simple terms, and by paying no attention to anything but clearness of expression. The acceptable kind of oratory is when it is not too decorative and polished, if the words contain authority and weight, and if the views put forward are either weighty or in conformity
20 with the opinions and customs of mankind. The style is brilliant if the words employed are chosen for their dignity and used metaphorically and in exaggeration and adjectivally and in duplication and synonymously and in harmony with the actual action and the representation of the facts. For it is this department of oratory which almost sets the fact before the eyes—for it is the sense of sight that is most appealed to, although it is nevertheless possible for the rest of the senses and also most of all the mind itself to be affected. But the things that were said about the clear style all apply to the brilliant style. For brilliance is worth considerably more than the clearness above mentioned. The one helps us to understand what is said, but the other makes us feel that we
21 actually see it before our eyes. As for the charming kind of style, it will be achieved first by the pleasing elegance of a sonorous and smooth vocabulary, and secondly by combinations of words that avoid both rough collisions of consonants and gaping juxtapositions of vowels, and are enclosed not in lengthy clauses but ones adapted to the breath of the voice, and that possess uniformity and evenness of vocabulary ; then the choice of words must employ contrary terms, repetition answering to repetition and like to like, and the words must be arranged to come back to the same word and in pairs and doublets or even

ponantur, constructioque verborum tum coniunctioni-
22 bus copuletur, tum dissolutionibus relaxetur. Fit etiam suavis oratio cum aliquid aut invisum aut inauditum aut novum dicas. Delectat enim quidquid est admirabile, maximeque movet ea quae motum aliquem animi miscet oratio, quaeque significat oratoris ipsius amabiles mores : qui exprimuntur aut significando iudicio ipsius et[1] animo humano ac liberali, aut inflexione sermonis cum aut augendi alterius aut minuendi sui causa alia dici ab oratore, alia existimari videntur, idque comitate fieri magis quam vanitate. Sed multa sunt suavitatis praecepta quae orationem aut magis obscuram aut minus probabilem faciant ; itaque etiam hoc loco nobis est ipsis quid causa postulet iudicandum.

23 VII. C. F. Reliquum est igitur ut dicas de conversa oratione atque mutata.

C. P. Est itaque id genus totum situm in commutatione verborum : quae simplicibus in verbis ita tractatur ut aut ex verbo dilatetur aut in verbum contrahatur oratio—ex verbo cum aut proprium aut idem significans aut factum verbum in plura verba diducitur, ex oratione cum aut definitio ad unum verbum revocatur aut assumpta verba removentur aut[2] circuitus diriguntur aut in coniunctione fit
24 unum verbum ex duobus ; in coniunctis autem verbis triplex adhiberi potest commutatio, non verborum

[1] *v.l.* ex.
[2] *Rackham :* aut in.

more numerous repetitions, and the construction must be now linked together by conjunctions and now dis-
22 connected by asyndeton. It will also give the style charm to employ some unusual or original or novel expression. For anything that causes surprise gives pleasure, and the most effective style is one that stirs up some emotion in the mind, and that indicates amiability of character in the speaker himself ; and amiability of character is expressed either by his indicating his own judgement and humanity and liberality of mind, or by the modification of the style when it appears that the speaker for the sake of magnifying a second party or disparaging himself is saying something different from what he actually thinks, and that he is doing this more out of good nature than insincerity. But there are many rules for charm that render the style either less lucid or less convincing ; consequently in this department also we have to use our own judgement as to what the case requires.

23 VII. C. Jun. It remains therefore for you to speak of the inverted and modified style.

C. Sen. Well, the whole of this class consists in the modification of words : which in respect of single words is handled in such a manner that a phrase is either expanded out of a word or contracted into a word—out of a word when either the proper word or a synonym or a coined word is split up into several words, out of a phrase when either an explanation is reduced to a single word or epithets are discarded or circumlocutions replaced by direct language or
24 two words are combined to make a single word ; while in words combined in sentences a three-fold modification is available, by altering not the words but merely

sed ordinis tantummodo, ut cum semel dictum sit directe sicut natura ipsa tulerit, invertatur ordo et idem quasi sursum versus retroque dicatur, deinde idem intercise atque permixte. Eloquendi autem exercitatio maxime in hoc toto convertendi genere versatur.

25 C. F. Actio igitur sequitur, ut opinor.

C. P. Est ita: quae quidem oratori et cum rerum et cum verborum momentis commutanda maxime est. Facit enim et dilucidam orationem et illustrem et probabilem et suavem non verbis sed varietate vocum, motu corporis, vultu, quae plurimum valebunt si cum orationis genere consentient eiusque vim ac varietatem subsequentur.

26 C. F. Num quidnam de oratore ipso restat?

C. P. Nihil sane praeter memoriam, quae est gemina litteraturae quodammodo et in dissimili genere persimilis. Nam ut illa constat ex notis litterarum et ex eo in quo imprimuntur illae notae, sic confectio memoriae tamquam cera locis utitur et in his imagines ut litteras collocat.

27 VIII. C. F. Quoniam igitur vis oratoris omnis exposita est, quid habes de orationis praeceptis dicere?

C. P. Quattuor esse eius partes, quarum prima et postrema ad motum animi valet—is enim initiis est

their order, with the result that after the statement has been made once in a direct form as prompted by mere instinct, the order is inverted and the same thing is said as it were upside down or the other way round, and then the same thing in a piecemeal and mixed up form. Practice in speaking is specially occupied in the whole of this division, that of inversion.

25 C. Jun. Well then, the next topic, I suppose, is delivery. (4) delivery;

C. Sen. Yes; and it is most important for the speaker to modify his delivery in correspondence with the variations of his matter and also of his language. For he invests his speech with lucidity, brilliance, convincingness and charm not by his language but by changes of voice, by gestures and by glances, which will be most efficacious if they harmonize with the class of speech and conform to its effect and its variety.

26 C. Jun. Have you anything else remaining to mention in relation to the speaker himself? (5) memory

C. Sen. Well, nothing except memory, which is in a manner the twin sister of written script, and is very similar to it in a dissimilar field. For just as script consists of marks indicating letters and of the material on which those marks are imprinted, so the structure of memory, like a wax tablet, employs 'topics,' and in these stores images which correspond to the letters in written script.

27 VIII. C. Jun. Well then, the exposition of the faculty of the speaker has now been completed; so what have you to say about the rules that govern a speech? II. Structure of speech.

C. Sen. That a speech consists of four divisions, of which the first and the last are the parts that serve for

et perorationibus concitandus—, secunda, narratio, et tertia, confirmatio, fidem facit orationi. Sed amplificatio quamquam habet proprium locum, saepe etiam primum, postremum quidem fere semper, tamen reliquo in cursu orationis adhibenda est, maximeque cum aliquid aut confirmatum est aut reprehensum. Itaque ad fidem quoque vel plurimum valet; est enim amplificatio vehemens quaedam argumentatio, ut illa docendi causa sit, haec commovendi.

28 C. F. Perge igitur ordine quattuor istas mihi partes explicare.

C. P. Faciam, et a principiis primum ordiar, quae quidem ducuntur aut ex personis aut ex rebus ipsis; sumuntur autem trium rerum gratia: ut amice, ut intellegenter, ut attente audiamur. Quorum primus locus est in personis nostris, disceptatorum, adversariorum; e quibus initia benevolentiae conciliandae comparantur aut meritis nostris efferendis[1] aut dignitate aut aliquo genere virtutis, et maxime liberalitatis, officii, iustitiae, fidei, contrariisque rebus in adversarios conferendis, et cum eis qui disceptant aliqua coniunctionis aut causa aut spe significanda: et si in nos aliquod odium offensiove collocata sit, tollenda ea minuendave aut diluendo aut extenu-

[1] efferendis *add. Kayser.*

arousing emotion—for introductions and perorations must appeal to the emotions—, while the second division, narrative, and the third, proof, are the parts that procure belief in what is said. But amplification, although it has a special place of its own, often even occupying the first place and almost always coming at the end, nevertheless ought to be employed in the rest of the course of the speech, and particularly when some statement has either been supported or challenged. Consequently it is also very effective for securing credence, inasmuch as amplification is a sort of forcible method of arguing, argument being aimed at effecting proof, amplification at exercising influence.

(1) Introduction, to secure audience's goodwill, understanding and attention.

28 C. Jun. Proceed then and explain your four divisions to me *seriatim*.

C. Sen. I will, and I will start first from the introductory passages, which are derived either from the persons or from the facts of the case, and which are employed for three purposes: to secure for us a friendly hearing, an intelligent hearing and an attentive hearing. The first of these topics consists in our own personality and those of the judges and of our opponents: from which the first steps to secure goodwill are achieved by extolling our own merits or worth or virtue of some kind, particularly generosity, sense of duty, justice and good faith, and by assigning the opposite qualities to our opponents, and by indicating some reason for or expectation of agreement with the persons deciding the case; and by removing or diminishing any odium or unpopularity that has been directed against ourselves, either by doing away with it or diminishing it or by diluting it or by weakening it or by setting something against it or

29 ando aut compensando aut deprecando. Intellegenter autem ut audiamur et attente, a rebus ipsis ordiendum est. Sed facillime auditor discit et quid agatur intellegit si complectare a principio genus naturamque causae, si definias, si dividas, si neque prudentiam eius impedias confusione partium nec memoriam multitudine; quaeque mox de narratione dilucida dicentur, eadem etiam huc poterunt recte

30 referri. Ut attente autem audiamur, trium rerum aliqua consequemur; nam aut magna quaedam proponemus aut necessaria aut coniuncta cum ipsis apud quos res agetur. Sit autem hoc etiam in praeceptis, ut si quando tempus ipsum aut res aut locus aut interventus alicuius aut interpellatio aut ab adversario dictum aliquod, et maxime in perorando, dederit occasionem nobis aliquam ut dicamus aliquid ad tempus apte, ne derelinquamus; et quae suo loco de amplificatione dicemus, multa ex his poterunt ad principiorum praecepta transferri.

31 IX. C. F. Quid? in narratione quae tandem conservanda sunt?

C. P. Quoniam narratio est rerum explicatio et quaedam quasi sedes ac fundamentum constituendae fidei, ea sunt in ea servanda maxime quae etiam in reliquis fere dicendi partibus: quae partim sunt

29 by making an apology. To secure an intelligent and an attentive hearing, we must start from the actual facts themselves. But it is easiest for the hearer to learn them and to understand the matter at issue if you include in your opening a statement of the class and nature of the case and define it and divide it into parts, and do not handicap his intelligence by confusing and mixing up the parts with one another nor his memory by making them too numerous; and the same set of rules that will shortly be given as to clearness in the narration will be able with propriety

30 to be transferred to this matter also. Then we shall secure an attentive hearing by employing one or other of three methods—we shall advance considerations that are either of great importance or inevitable or have some connexion with the actual members of the court. But it must also be included among the rules that if ever the actual occasion or the circumstances or the place, or some person's intervention or interruption, or some statement of our adversary's, especially if it was made in his peroration, gives us an opportunity to make a telling point at the right moment, we must not lose the opportunity; and much of what we shall say about amplification at the place belonging to it will be able to be transferred to the rules for the exordium.

31 IX. C. Jun. Well, what then are the rules to be observed in the statement of the case? (2) Statement of case.

C. Sen. Well, the statement is an explanation of the facts and as it were a base and foundation for the establishment of belief. Consequently special attention must be given in this part to the rules that must also be observed in almost all the rest of the divisions of a speech; rules that are partly indispensable and

necessaria, partim assumpta ad ornandum. Nam ut dilucide probabiliterque narremus, necessarium est,
32 sed assumimus etiam suavitatem. Ergo ad dilucide narrandum eadem illa superiora explicandi et illustrandi praecepta repetemus, in quibus est brevitas ea quae[1] saepissime in narratione laudatur, de qua supra dictum est. Probabilis autem erit si personis, si temporibus, si locis ea quae narrabuntur consentient: si cuiusque facti et eventi causa ponetur: si testata dici videbuntur, si cum hominum auctoritate,[2] si cum lege, cum more, cum religione coniuncta: si probitas narrantis significabitur, si antiquitas, si memoria, si orationis veritas, et vitae fides. Suavis autem narratio est quae habet admirationes, exspectationes, exitus inopinatos, interpositos motus animorum, colloquia personarum, dolores, iracundias, metus, laetitias, cupiditates. Sed iam ad reliqua pergamus.

33 C. F. Nempe ea sequuntur quae ad faciendam fidem pertinent.

C. P. Ita est: quae quidem in confirmationem et reprehensionem dividuntur. Nam in confirmando nostra probare volumus, in reprehendendo redarguere contraria. Quoniam igitur omne quod in controversiam venit, id aut an[3] sit necne[4] aut quid sit aut quale sit quaeritur, in primo coniectura valet, in altero definitio, in tertio ratio.

34 C. F. Teneo istam distributionem: nunc coniecturae locos quaero.

[1] *v.l.* eaque.
[2] *Rackham:* opinione auctoritate (opinione vel auct. *Schol.*).
[3] an *om. vulg.*
[4] *Schol. v.l.* necne sit.

partly adopted for the purpose of embellishment. For clarity and convincingness in the statement of the case
32 are essential, but we also add charm. Consequently to secure clarity of statement we shall go back to the same rules for exposition and elucidation that we gave above, which rules must include the quality of brevity spoken of above, which is most frequently applauded in the statement of the case. And the statement will be convincing if the facts narrated are in accordance with the persons, the times and the places; if we set out the cause of every action and occurrence; if what we say appears to be based on evidence, and to be in agreement with the judgement of mankind, and with law and custom and religion; if it indicates honesty in the speaker, integrity, memory, truth in speech and loyalty in conduct. And a statement has the quality of charm when it comprises causes for surprise and suspense and unexpected issues, with an intermixture of human emotions, dialogues between people, and exhibitions of grief, rage, fear, joy, and desire. But now let us go on to the matters that remain.

(3 *a*) Proof of case (i.) by inference from probability in regard to persons, places, times, and actions;

33 C. Jun. Obviously the next point is the means directed to securing credence.

C. Sen. Yes: and these fall into two divisions, confirmation and refutation. The aim of confirmation is to prove our own case and that of refutation is to refute the case of our opponents. The question in regard to every matter that comes into dispute is either as to its reality or its identity or its qualities; consequently in considering the first point inference is a valid method, on the second definition and on the third ratiocination.

34 C. Jun. I grasp the distinction you mean; and now I want to know the topics employed by inference.

X. C. P. In verisimilibus et in propriis rerum notis posita est tota. Sed appellemus docendi gratia verisimile quod plerumque ita fiat, ut adolescentiam procliviorem esse ad libidinem; propriae autem notae argumentum quod numquam aliter fit certumque declarat, ut fumus ignem. Verisimilia reperiuntur ex partibus et quasi membris narrationis; ea sunt in personis, in locis, in temporibus, in factis, in eventis, in rerum ipsarum negotiorumque naturis.
35 In personis naturae primum spectantur, valetudinis, figurae, virium, aetatis, marium, feminarum: atque haec quidem in corpore[1]; animi autem aut quemadmodum affecti sint virtutibus, vitiis, artibus, inertiis, aut quemadmodum commoti cupiditate, metu, voluptate, molestia. Atque haec quidem in natura spectantur. In fortuna genus, amicitiae, liberi, propinqui, affines, opes, honores, potestates, divitiae, libertas,
36 et ea quae sunt eis contraria. In locis autem et illa naturalia, maritimi an remoti a mari, plani an montuosi, leves an asperi, salubres an pestilentes, opaci an aprici, et illa fortuita, culti an inculti, celebres an deserti, coaedificati an vasti, obscuri an rerum gestarum vestigiis nobilitati, consecrati an profani.
37 XI. In temporibus autem praesentia [et][2] praeterita [et][3] futura cernuntur: in his ipsis vetusta, recentia, instantia, paullo post aut aliquando futura. Insunt etiam in temporibus illa quae temporis quasi naturam

[1] [marium . . . corpore] *Kayser.*
[2] *Kayser.*
[3] *Kayser.*

X. C. Sen. Inference is based entirely on probabilities and on the essential characteristics of things. But let us for the sake of conveying our meaning define the term 'probable' as 'that which usually occurs in such and such a way'—for example that youth is more prone to self-indulgence; while an essential characteristic gives a proof that is never otherwise and that supplies an indication that is certain, as smoke is a certain indication of fire. Probabilities are obtained from the parts or 'members' of the statement; these deal with persons, places, times, actions, occurrences—the natures of the actual
35 facts and transactions. In the case of persons we first examine their natural attributes of health, figure, strength, age, and sex—male or female—, which are in the body; while as to the mind we note either men's conditions in respect of virtues and vices, arts and sciences or the lack of these, or else their reactions to the emotions of desire, fear, pleasure and annoyance. And whereas these are qualities observed in men's natures, their circumstances comprise birth, friendships, children, relations, connexions, resources, office, power, riches, freedom and the opposites of
36 these. In the case of places too there are both natural qualities—on the coast or inland, flat or mountainous, smooth or rugged, salubrious or unhealthy, shady or sunny, and accidental qualities—cultivated or uncultivated, inhabited or deserted, built up or open, obscure or famous for historic monuments, con-
37 secrated or secular. XI. Under the head of times we observe present, past and future, and their subdivisions—long past or recent, immediately impending or going to happen in the near or remoter future. Also among specifications of time are the terms that

notant, ut [hiems, ver, aestas, auctumnus aut][1] anni tempora, ut mensis, ut dies, [ut][2] nox, hora, [tempestas][3] quae sunt naturalia: fortuita autem sacri-
38 ficia, festi dies, nuptiae. Iam facta et eventus aut consilii sunt aut imprudentiae, quae est aut in casu aut in quadam animi permotione: casu cum aliter cecidit ac putatum sit, permotione cum aut oblivio aut error aut metus aut aliqua cupiditatis causa permovit. Est etiam in imprudentia necessitas ponenda. Rerum autem bonarum et malarum tria sunt genera, nam aut in animis aut in corporibus aut extra esse possunt. Huius igitur materiae ad argumentum subiectae perlustrandae animo partes erunt omnes, et ad id quod agetur ex singulis coniectura capienda.
39 Est etiam genus argumentorum aliud quod ex facti vestigiis sumitur, ut telum, cruor, clamor editus, titubatio, permutatio coloris, oratio inconstans, tremor, ceterorum[4] aliquid quod sensu percipi possit; etiamsi praeparatum aliquid, si communicatum cum
40 aliquo, si postea visum, auditum, indicatum. Verisimilia autem partim singula movent suo pondere, partim etiamsi videntur esse exigua per se, multum tamen cum sunt coacervata proficiunt. Atque in his verisimilibus insunt nonnumquam etiam certae rerum et propriae notae. Maximam autem facit fidem ad similitudinem veri primum exemplum, deinde introducta rei similitudo; fabula etiam nonnumquam, etsi est incredibilis, tamen homines commovet.

[1] *Kayser.* [2] *Kayser.* [3] *Kayser.*
[4] ceterorum ? *Warmington:* et eorum.

denote the nature of the time, such as the seasons of the year, month, day or night, hour,—which are natural periods; while accidental occasions are sacri-
38 fices, holidays, weddings. Again actions and occurrences are either matters of design or unintentional, the latter depending either on accident or on some psychological factor: on accident when something unexpected happens, on psychology when the occurrence is the result of forgetfulness or of a mistake or of fear or of some motive of desire. Necessity also may be classed under the unintentional. Then goods and evils are of three kinds, for they can be either in the mind or in the body or outside us. With this material therefore supplied as a basis for the argument it will be necessary to pass all the parts of it in mental review and arrive at an inference from each in turn with reference to the matter that will be under
39 consideration. There is also another kind of argument that is taken from the mere indications of an action, for instance a weapon, blood, a cry, a stumble, change of colour, stammering, trembling, or anything else that can be perceived by the senses: also some sign of preparation or of communication with somebody, or
40 something seen or heard or hinted later on. As to probabilities, these in some cases carry their own weight intrinsically, and in others even if they seem to be slight in themselves nevertheless go a long way when combined together. Also among these probabilities there are sometimes also marks that are certain and peculiar to the things. But the greatest corroboration is supplied to a probable truth by first an example, next the introduction of a parallel case; and also sometimes an anecdote, even though it be a tall story, nevertheless has an effect on people.

Grades of probability.

41 XII. C. F. Quid? definitionis quae ratio est et quae via?

C. P. Non dubium est id quidem quin definitio genere declaretur et proprietate quadam aut etiam communium frequentia ex quibus proprium quid sit eluceat. Sed quoniam de propriis oritur plerumque magna dissensio, definiendum est saepe ex contrariis, saepe etiam ex dissimilibus, saepe ex paribus. Quam ob rem descriptiones quoque sunt in hoc genere saepe aptae et enumeratio consequentium, in primisque commovet explicatio vocabuli ac nominis.

42 C. F. Sunt exposita iam fere ea quae de facto quaeque de facti appellatione quaeruntur. Nempe igitur ea restant quae, cum factum constet et nomen, qualia sint vocatur in dubium.

C. P. Est ita ut dicis.

C. F. Quae sunt igitur in eo genere partes?

C. P. Aut iure factum depellendi aut ulsciscendi doloris gratia, aut pietatis aut pudicitiae aut religionis aut patriae nomine, aut denique necessitate,
43 inscitia, casu. Nam quae motu animi et perturbatione facta sine ratione sunt, ea defensionem contra crimen in legitimis iudiciis non habent, in liberis disceptationibus habere possunt. Hoc in genere, in quo quale sit quaeritur, [ex controversia][1] iure et

[1] *Schütz.*

(ii.) proof of case by definition of essential properties of the facts:

41 XII. C. Jun. Well, what is the principle and the method of definition?

C. Sen. It is at all events clear that a definition is an explanation in the form of a statement of the class to which a thing belongs and of some special property that distinguishes it, or else a collection of common properties among which what its special property is comes into view. But as there usually arises a great deal of disagreement about special properties, we often have to adopt the method of definition by means of opposites and also often by means of unlike or of like objects. Consequently in this class of argument descriptions are also frequently appropriate, and enumerations of consequences, and a specially effective method is the explanation of a term or a name.

(iii.) proof by consideration of the quality of the action;

42 C. Jun. This practically completes the exposition of the questions raised about the act committed and about its proper designation. Presumably therefore there now remain those questions as to quality which arise when both the action and its name have been settled.

C. Sen. Yes, that is so.

C. Jun. What then are the divisions in this class of consideration?

C. Sen. Either that the deed was rightly done for the sake of avoiding or avenging pain or in the name of piety or modesty or religious scruple or patriotism, or finally because of necessity or ignorance or accident.
43 For actions done owing to emotion and mental disturbance and therefore irrational afford no lines of defence against the charge in a court of law, but they can provide a defence in a free debate. In this kind of debate, in which the question at issue is as to the quality of the action, the inquiry usually is based on

recte necne actum sit quaeri solet: quorum disputatio ex locorum descriptione sumenda est.

44 C. F. Age sis ergo, quoniam in confirmationem et reprehensionem diviseras orationis fidem, et dictum de altero est, expone nunc de reprehendendo.

C. P. Aut totum est negandum quod in argumentatione adversarius sumpserit, si fictum aut falsum esse possis docere, aut redarguenda ea quae pro verisimilibus sumpta sint: primum dubia sumpta esse pro certis, deinde etiam in perspicue falsis eadem posse dici, tum ex eis quae sumpserit non effici quod velit. Accidere autem oportet singula: sic universa frangentur. Commemoranda sunt etiam exempla quibus simili in disputatione creditum non sit, conquerenda conditio communis periculi si ingeniis hominum criminosorum sit exposita vita innocentium.

45 XIII. C. F. Quoniam unde inveniuntur quae ad fidem pertinent habeo, quemadmodum in dicendo singula tractentur exspecto.

C. P. Argumentationem quaerere videris, quae est[1] argumenti explicatio [: quae sumpta ex eis locis qui sunt expositi conficienda et distinguenda dilucide est].[2]

C. F. Plane istuc ipsum desidero.

46 C. P. Est ergo (ut supra dictum est) explicatio argumenti argumentatio: sed ea conficitur cum

[1] *v.l.* sit. [2] *Ernesti.*

[a] Presumably an interpolation.

a dispute as to whether the action was done lawfully and rightly or not; and a line to adopt in discussing these points must be taken from the list of topics.

44 C. Jun. Come then, please, inasmuch as you had divided the section of the speech dealing with proof into confirmation and refutation, and the former has been dealt with, now explain about the method of refuting.

(3 *b*) Refutation of opponent's case.

C. Sen. Either you must deny the whole of what your opponent has assumed in arguing his case, if you are able to show that it is imaginary or untrue, or you must rebut the statements that he has assumed as probable, and must show, first that doubtful points have been taken for certain, next that the same statements can also be made in the case of things manifestly false, and then that the results that he desires do not follow from his assumptions. But the proper way is to whittle them away one by one, and thus the whole of them will be demolished. Also you must recall examples which in a similar dispute have not obtained credence; and you must deplore the general state of danger that will prevail if the life of innocent people is exposed to the clever tricks of calumniators.

45 XIII. C. Jun. Now that I know where to find means of obtaining credence, I next want to be told how each successive topic is to be handled in speaking.

(3 *c*) Development of argument and handling of witnesses.

C. Sen. I take it that what you desire to hear about is ratiocination, which is the process of developing the argument. [This process, derived from the topics that have been set forth, requires completing and clarifying in detail.[a]]

C. Jun. Clearly that is exactly what I require.

46 C. Sen. Well then, ratiocination as I said just now, is the process of developing the argument; but this

sumpseris aut non dubia aut probabilia ex quibus id efficias quod aut dubium aut minus probabile per se videtur. Argumentandi autem duo sunt genera, quorum alterum ad fidem directo spectat, alterum se inflectit ad motum. Dirigitur cum proposuit aliquid quod probaret sumpsitque ea quibus niteretur, atque his confirmatis ad propositum se rettulit atque conclusit. Illa autem altera argumentatio quasi retro et contra : prius sumit quae vult eaque confirmat, deinde id quod proponendum fuit permotis animis
47 iacit ad extremum. Est autem illa varietas in argumentando et non iniucunda distinctio, ut cum interrogamus nosmet ipsi aut percunctamur aut imploramus[1] aut optamus—quae sunt cum aliis compluribus sententiarum ornamenta. Vitare autem similitudinem poterimus non semper a proposito ordientes, et si non omnia disputando confirmabimus, breviterque interdum quae erunt satis aperta ponemus quodque ex his efficietur, si id apertum sit, non habebimus necesse semper concludere.

48 XIV. C. F. Quid ? illa quae sine arte appellantur, quae iamdudum assumpta dixisti, ecquonam modo[2] artis indigent ?

C. P. Illa vero indigent, nec eo dicuntur sine arte quod ita sunt, sed quod ea non parit oratoris ars sed

[1] *v.l.* imperamus.
[2] *v.l.* ecquonam modo, ecquonaml oco.

process is achieved when you have assumed either indubitable or probable premisses from which to draw a conclusion that appears in itself either doubtful or less probable. And there are two kinds of ratiocination, one of which aims directly at convincing and the other devotes itself to exciting feeling. It proceeds directly, when it has put forward a proposition to prove, and has chosen the arguments to support its case, and after establishing these has returned to the proposition and drawn the conclusion ; but the other form of ratiocination proceeds in the opposite way, backward : it first assumes the premisses that it wants and establishes these, and then after exciting emotion throws in at the end what ought to have been pre-
47 mised at the start. Ratiocination also permits the following variety of methods, a not unpleasing divergence, when we put a question to ourselves or cross-examine ourselves or make an appeal or express a desire—forms of expression which with a great many others serve to decorate our sentences. But we shall be able to avoid monotony by not always starting from the point we are making, and if we do not prove all our points by advancing arguments, and sometimes lay down quite shortly statements that will be sufficiently obvious, and do not always hold it necessary formally to draw the conclusion that will follow from them, if it is obvious.

48 XIV. C. Jun. Well, as to the rules that are styled not matters of science, which you said have been adopted long ago, do they as a matter of fact require some degree of scientific method ?

C. Sen. They do indeed, and they are not called unscientific because they really are so, but because they are not engendered by the science of the speaker, but

foris ad se delata tamen arte tractat, et maxime in
49 testibus. Nam et de toto genere testium quam id sit infirmum saepe dicendum est, et argumenta rerum esse propria, testimonia voluntatum, utendumque est exemplis quibus testibus creditum non sit; et de singulis testibus, si natura vani, si leves, si cum ignominia, si spe, si metu, si iracundia, si misericordia impulsi, si praemio, si gratia adducti; comparandique superiore cum auctoritate testium quibus
50 tamen creditum non sit. Saepe etiam quaestionibus resistendum est, quod et dolorem fugientes multi in tormentis ementiti persaepe sint morique maluerint falsum fatendo quam[1] infitiando dolere; multi etiam suam vitam neglexerint ut eos qui eis[2] cariores quam ipsi sibi essent liberarent, alii autem aut natura corporis aut consuetudine dolendi aut metu supplicii ac mortis vim tormentorum pertulerint, alii ementiti sint in eos quos oderant.[3] Atque haec exemplis
51 firmanda sunt. Neque est obscurum, quin, quoniam in utramque partem sunt exempla et item ad coniecturam faciendam loci, in contrariis contraria sint sumenda. Atque etiam incurrit alia quaedam in testibus et in quaestionibus ratio; saepe enim ea quae dicta sunt si aut ambigue aut inconstanter aut

[1] *v.l.* quam verum. [2] *Rackham:* his.
[3] alii ementiti . . . oderant *ante* alii autem . . . pertulerint *tr. ? Warmington.*

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[a] 'and others . . . hated' should perhaps be transposed to come before 'while others aided . . . ' above.

he receives them from outside, yet all the same he handles them with science, and particularly in dealing
49 with the evidence of witnesses. He often has to declare how unreliable all witnesses are as a class, and to say that proofs are matters of fact but the evidence of witnesses is a matter of personal inclinations, and he must cite instances of witnesses who were not believed; and he must also run down particular witnesses, if they are men of unreliable character, or frivolous, or under a cloud, or actuated by hope or fear or anger or pity, or influenced by hope of reward or by gratitude; and they must be compared with witnesses of higher authority who have nevertheless
50 not been given credence. It is also often necessary to oppose the use of examination under torture, on the grounds that many men under torture in the desire to escape from pain have very often told utter lies, and have preferred to die while confessing what was false rather than to suffer pain by denying it, and that many have even disregarded their own life in order to secure the freedom of persons dearer to them than themselves; while others aided either by bodily physique or habituation to pain or actuated by fear of punishment and death have endured violent torture to the end, and others have given false evidence against those whom they hated.[a] And these state-
51 ments must be supported by instances. Nor is it hard to see that, as there are instances telling in either direction and also opportunities for making a conjecture, contrary instances must be taken in contrary cases. And there is also occasion for another method in dealing with witnesses and examinations: frequently, when statements have been made that were ambiguous, or inconsistent, or incredible, or even

incredibiliter dicta sunt aut etiam aliter ab alio dicta, subtiliter reprehenduntur.

52 XV. C. F. Extrema tibi pars restat orationis, quae posita in perorando est, de qua sane velim audire.

C. P. Facilior est explicatio perorationis. Nam est divisa in duas partes, amplificationem et enumerationem. Augendi autem et hic est proprius locus in perorando, et in cursu ipso orationis declinationes ad amplificandum dantur confirmata re aliqua aut
53 reprehensa. Est igitur amplificatio gravior quaedam affirmatio quae motu animorum conciliet in dicendo fidem. Ea et verborum genere conficitur et rerum. Verba ponenda sunt quae vim habeant illustrandi nec ab usu sint abhorrentia, gravia, plena, sonantia, iuncta, facta, cognominata, non vulgata, superlata, in primisque translata; nec in singulis verbis sed in continentibus soluta, quae dicuntur sine coniunctione,
54 ut plura videantur. Augent etiam relata verba, iterata, duplicata, et ea quae ascendunt gradatim ab humilioribus[1] ad superiora; omninoque semper quasi naturalis et non explanata oratio, sed gravibus referta verbis, ad augendum accommodatior. Haec igitur in verbis, quibus actio vocis, vultus et gestus congruens et apta ad animos permovendos accommodanda est. Sed et in verbis et in actione causa erit tenenda et pro re agenda; nam haec quia videntur

[1] *Schütz:* humilioribus verbis.

discrepant with statements made by someone else, the method is to meet them with a mere refutation.

52 XV. C. Jun. You still have the last part of the speech left, which consists in delivering a peroration, and I should certainly like to hear about that.

C. Sen. The peroration is an easier matter to explain. It falls into two divisions, amplification and recapitulation. But enlargement not only has a special place here in the peroration, but also in the actual course of the speech opportunities occur, when something has been proved or refuted, for turning aside to
53 amplify. Amplification therefore is a sort of weightier affirmation, designed to win credence in the course of speaking by arousing emotion. This is accomplished both by the nature of the language used and by that of the facts adduced. Words must be employed that are powerfully illuminating without being inconsistent with ordinary usage, weighty, full, sonorous, compounds, coinages, synonyms, unhackneyed, exaggerated, and above all used metaphorically. This as to single words; in the sentences the words must be disconnected—*asyndeton* as it is called—so as to make
54 them seem more numerous. Enlargement is also effected by repetition, iteration, doubling of words, and a gradual rise from lower to higher terms; and in general a natural style as it were, not smoothed down but filled out with weighty terms, is always more suitable for enlargement. These points then as to the language, to which must be adjusted a suitable management of the voice, countenance and gestures, designed to arouse the emotions. But both in the matter of language and in that of delivery careful consideration must be given to the case, and the line taken must be appropriate; for language and delivery

(4) Peroration: (a) amplification, various methods of;

perabsurda cum graviora sunt quam causa fert, diligenter quid quemque deceat iudicandum est.
55 XVI. Rerum amplificatio sumitur eisdem ex locis omnibus quibus illa quae dicta sunt ad fidem ; maximeque definitiones valent conglobatae et consequentium frequentatio et contrariarum et dissimilium et inter se pugnantium rerum conflictio, et causae, et ea quae sunt de causis orta, maximeque similitudines et exempla ; fictae etiam personae, muta denique loquantur ; omninoque ea sunt adhibenda, si causa patitur, quae magna habentur, quorum est
56 duplex genus : alia enim magna natura videntur, alia usu—natura, ut caelestia, ut divina, ut ea quorum obscurae causae, ut in terris mundoque admirabilia quae sunt, ex quibus similibusque, si attendas, ad augendum permulta suppetunt ; usu, quae videntur hominibus aut prodesse aut obesse vehementius, quorum sunt genera ad amplificandum tria. Nam aut caritate moventur homines, ut deorum, ut patriae, ut parentum, aut amore, ut fratrum, ut coniugum, ut liberorum, ut familiarium, aut honestate, ut virtutum, maximeque earum quae ad communionem hominum et liberalitatem valent. Ex eis et cohortationes sumuntur ad ea retinenda, et in eos a quibus ea violata sunt odia incitantur et miseratio
57 nascitur. XVII. [Proprius locus est augendi in his

seem quite ridiculous when they are weightier than what the case can carry, and consequently care must be taken to judge what suits each particular case.
55 XVI. Amplification of the facts is obtained from all the same topics from which were taken the statements made to secure credence ; and very effective are accumulations of definitions, recapitulation of consequences, juxtaposition of contrary, discrepant and contradictory statements, and statements of causes and their consequences, and especially analogies and instances ; and also imaginary persons and even dumb objects must speak ; and in general, if the case allows, one must introduce matters that are supposed to be of high importance, these being of two kinds :
56 some things seem important by nature, others in our experience of them ; examples of the former are heavenly and divine objects, things whose causes are obscure, the wonders of the earth and the sky, from which and from similar things, if you give your mind to them, plenty of topics for enlargement are forthcoming ; examples of the latter are things that appear to be exceptionally advantageous or detrimental to mankind, of which there are three kinds available for amplification—inasmuch as men are moved either by love, for instance love of the gods, love of country, love of parents ; or by affection, for instance for their brothers and wives and children and households ; or by moral considerations, for instance respect for the virtues and especially for those virtues that promote human fellow-feeling and generosity. These supply exhortations to hold fast to them, and also arouse hatred for those who violate them, and they engender
57 compassion. XVII. [A special topic for enlargement is supplied in the loss of these matters or the danger

rebus aut amissis aut amittendi periculo.][1] Nihil est enim tam miserabile quam ex beato miser, et hoc totum quidem moveat, si bona ex fortuna quis cadat, et a quorum caritate divellatur, quae amittat aut amiserit, in quibus malis sit futurusve sit exprimatur breviter—cito enim arescit lacrima, praesertim in alienis malis; nec quidquam in amplificatione nimis enucleandum est, minuta est enim omnis diligentia; hic autem locus grandia requirit.

58 Illud iam est iudicii, quo quaque in causa genere utamur augendi. In illis enim causis quae ad delectationem exornantur ei loci tractandi sunt qui movere possunt exspectationem, admirationem, voluptatem; in cohortationibus autem bonorum ac malorum enumerationes et exempla valent plurimum. In iudiciis accusatori fere quae ad iracundiam, reo plerumque quae ad misericordiam pertinent; nonnumquam tamen accusator misericordiam movere debet et defensor iracundiam.

59 Enumeratio reliqua est, nonnumquam laudatori, suasori non saepe, accusatori saepius quam reo necessaria. Huius tempora duo sunt, si aut memoriae diffidas eorum apud quos agas vel intervallo temporis vel longitudine orationis, aut frequentatis firmamentis orationis et breviter expositis vim est habitura

[1] *Kayser.*

[a] This sentence appears to be an interpolation.

of losing them.[a]] For there is no object so pitiable as the unhappy man who once was happy, and indeed the whole topic may provide an emotional appeal, if a man falls from good fortune and an account is given both of the persons whose affection is reft from him and of the losses he is suffering or has suffered and the evils which encompass or are going to encompass him—a brief account, for a tear is quickly dried, especially when shed for the misfortunes of others; and in amplification no point must be too minutely elaborated, for all elaboration is petty, whereas this topic calls for treatment on the grand scale.

58 Next discretion must be used as to what kind of enlargement to employ in each case. For in the cases that are being handled in a decorative style, for the purpose of giving pleasure, we should employ the topics that are capable of arousing anticipation, wonder and delight; but in exhortations, enumerations and instances of things good and evil will have most effect. In trials, the prosecutor must chiefly employ topics that conduce to anger and the defendant for the most part those that conduce to compassion; although occasionally it is necessary for the prosecutor to excite compassion and the defendant anger.

59 There remains enumeration, which in panegyrics is (*b*) recapitulation. required sometimes and in deliberative speeches seldom, while in judicial oratory it is more often necessary for the prosecutor than for the defendant. There are two occasions for its employment, when owing to the lapse of time or the length of your speech you distrust the memory of your audience, and when your case will be strengthened by recapitulating and briefly setting forth the main points of your argu-

60 causa maiorem. Et reo rarius utendum est, quod ponenda sunt contraria, quorum dissolutio in brevitate lucebit, aculei pungent. Sed erit in enumeratione vitandum ne ostentatio memoriae suscepta videatur esse puerilis. Id effugiet qui non omnia minima repetet sed brevia singula attingens pondera rerum ipsa comprehendet.

61 XVIII. C. F. Quoniam et de ipso oratore et de oratione dixisti, expone eum mihi nunc quem ex tribus extremum proposuisti, quaestionis locum.

C. P. Duo sunt, ut initio dixi, quaestionum genera, quorum alterum finitum temporibus et personis, causam appello, alterum infinitum nullis neque personis neque temporibus notatum propositum voco. Sed est consultatio quasi pars causae quaedam et controversiae : inest enim infinitum in definito, et
62 ad illud tamen referuntur omnia. Quam ob rem prius de proposito dicamus, cuius genera sunt duo—cognitionis alterum ; eius scientia est finis, ut verine sint sensus : alterum actionis, quod refertur ad efficiendum quid, ut si quaeratur quibus officiis amicitia colenda sit. Rursus superioris genera sunt tria : sit necne, quid sit, quale sit. Sit necne, ut

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[a] *Propositum* = θέσις, represented above by *consultatio*, § 4; see notes there and at § 68.
[b] *Consultatio*, a synonym for *propositum*, *cf.* § 4.
[c] These correspond to our terms 'pure science' and 'applied' or 'practical' science.

60 ment. Also the defendant should employ enumeration more rarely, because his business is to produce counter-arguments, the effectiveness of which as retorts will shine out and their sting have full effect in brevity. But care must be taken in enumeration to avoid the appearance of childishness involved in embarking on a parade of one's powers of memory. This danger will be escaped by one who does not repeat all his very small points, but while briefly touching on them one by one brings into focus the actual values of the facts.

III. The question: (1) either a general thesis, theoretical or practical;

61 XVIII. C. Jun. Well, you have spoken about both the speaker himself and the speech, so now expound to me the topic that you put forward last of the three, that of the question.

C. Sen. Questions, as I said at the beginning, are of two kinds; one kind is limited by its referring to particular occasions and persons, and this I call a cause; and the other is unlimited, that is, marked by no persons or occasions, and this I designate a thesis.[a] In a manner of speaking however a discussion [b] is a division of a cause and a dispute, for what is limited contains an element that is unlimited, and all matters contained in the former
62 have a reference nevertheless to the latter. Let us therefore first speak about the thesis. Of this there are two kinds [c]: one is a matter of learning—its object (*a*) is knowledge, for instance, whether the reports of the senses are true; the other is a matter of action—which is directed to doing something, for instance if it is asked what are the services by which friendship has to be cultivated. Then again the former, knowledge, falls into three classes—(1) does a thing exist or does it not? (2) what is it? (3) what are its

ius in naturane sit an in more; quid autem sit, sitne ius id quod maiori parti sit utile; quale autem
63 sit, iuste vivere sit necne utile. Actionis autem duo sunt genera—unum ad persequendum aliquid aut declinandum, ut quibus rebus adipisci gloriam possis aut quomodo invidia vitetur, alterum quod ad aliquod commodum usumque refertur, ut quemadmodum sit respublica administranda aut quemadmodum
64 in paupertate vivendum. Rursus autem ex cognitionis consultatione, ubi sit necne sit aut fuerit futurumve sit quaeritur, unum genus est quaestionis, possitne aliquid effici? ut cum quaeritur, ecquisnam perfecte sapiens esse possit? alterum, quemadmodum quidque fiat, ut quonam pacto virtus pariatur, naturane an ratione an usu? Cuius generis sunt omnes in quibus, ut in obscuris naturalibusque quaestionibus, causae rationesque rerum explicantur.
65 XIX. Illius autem generis in quo quid sit id de quo agitur quaeritur duo sunt genera, quorum in altero disputandum est, aliud an idem sit, ut pertinacia et perseverantia, in altero autem descriptio generis alicuius et quasi imago exprimenda est, ut qualis sit
66 avarus aut quid sit superbia. Tertio autem in genere, in quo quale sit quaeritur, aut de honestate aut de utilitate aut de aequitate dicendum est. De honestate sic, ut honestumne sit pro amico periculum aut

qualities? The first is the question of reality—*e.g.* does justice exist in nature or is it merely a convention? The second one of definition—*e.g.* is justice the advantage of the majority? The third is a question of quality—*e.g.* is it advantageous to live justly or
63 is it not? Action, on the other hand has two (*b*) kinds: one aims at obtaining or avoiding something, for instance, by what means can one win fame, or how can envy be avoided? the other is directed to some advantage and utility, for instance, how should the state be administered, or how should one conduct
64 one's life in poverty? And again, under the consideration of learning, (1) in cases where it is inquired whether a thing is (or was, or will be) or not, (*a*) one class of question is, 'Is a certain result possible?' for instance when it is asked whether it is possible for anybody to be perfectly wise; and (*b*) the other class is, 'How is a particular result produced?' for instance 'In what manner is virtue engendered, by nature or by reason or by practice?' To this class (*b*) belong all the inquiries in which the causes and reasons of things are unfolded—as for instance in
65 metaphysics and natural science. XIX. Then (2) the class in which it is inquired what the thing under consideration is has two divisions: in one of these (*a*) the point to be debated is the question of difference or identity:—for instance is pertinacity the same thing as perseverance?—while in the other (*b*) the description and so to say pattern of a particular class has to be expressed, *e.g.* what sort of person is a
66 miser, or what is pride? Then (3) in the third class, in which the quality of an object is sought for, we have to discuss either honour or utility or equity. An instance of a question of honour is—is it honourable

invidiam subire; de utilitate autem sic, ut sitne utile in republica administranda versari; de aequitate vero sic, ut sitne aequum amicos cognatis anteferre. Atque in hoc eodem genere in quo quale sit quaeritur exoritur aliud quoddam disputandi genus. Non enim simpliciter solum quaeritur quid honestum sit, quid utile, quid aequum, sed etiam ex comparatione, quid honestius, quid utilius, quid aequius, atque etiam, quid honestissimum, quid utilissimum, quid aequissimum; cuius generis illa sunt quae praestantissima sit dignitas vitae.

Atque ea quidem quae dixi cognitionis sunt omnia.
67 Restant actionis, cuius alterum est praecipiendi genus quod ad rationem officii pertinet, ut quemadmodum colendi sint parentes, alterum autem ad sedandos animos et oratione sanandos, ut in consolandis maeroribus, ut in iracundia comprimenda aut in timore tollendo aut in cupiditate minuenda. Cui quidem generi contrarium est disputandi genus ad eosdem illos animi motus, quod in amplificanda oratione saepe faciendum est, vel gignendos vel concitandos. Atque haec fere est partitio consultationum.

68 XX. C. F. Cognovi: sed quae ratio sit in his inveniendi et disponendi requiro.

C. P. Quid? tu aliamne censes et non eamdem quae est exposita, ut ex eisdem locis ad fidem et ad inveniendum ducantur omnia? Collocandi autem

to undergo danger or unpopularity for the sake of a friend? One of utility—does it pay to go in for politics? One of equity—is it equitable to place one's friends before one's relations? And in this same class containing the inquiry into the quality of a thing there arises another kind of debate. For the question asked is not only the simple inquiry, what is honourable, what is useful, what is equitable, but it also involves comparison—what is *more* honourable or useful or equitable, and also what is *most* honourable or useful or equitable—a class of consideration which comprises the things that constitute the supreme value of life.

The matters I have specified are all matters of
67 learning. There remain (*b*) matters of action. Of these one division is that of instruction related to the theory of duty, for instance the proper mode of paying respect to parents, and the other division is concerned with the healing influence of oratory in calming the minds of men, for instance in offering consolation for sorrow or controlling anger or assuaging fear or diminishing desire. And the opposite of this division is the class of argument aimed at either engendering or stimulating those same emotions, which it is frequently proper to do in amplifying a speech. These then virtually are the departments into which discussions are divided.

68 XX. C. Jun. I understand; but I want to know what is the method of discovery and arrangement that is to be followed in these departments.

C. Sen. Well, surely you agree that it is identical with the method that has been set out, to draw all the materials for convincing and discovering arguments from the same topics? And as for arrange-

quae est exposita in aliis ratio, eadem huc transfertur.

C. F. Cognita igitur omni distributione propositarum consultationum, causarum genera restant.

69 C. P. Admodum; et earum quidem forma duplex est, quarum altera delectationem sectatur audientium,[1] alterius ut obtineat, probet et efficiat[2] quod agit, omnis est suscepta contentio. Itaque illud superius exornatio dicitur, quod cum latum genus esse potest saneque varium, unum ex eo delegimus, quod ad laudandos claros viros suscipimus et ad improbos vituperandos. Genus enim nullum est orationis quod aut uberius ad dicendum aut utilius civitatibus esse possit aut in quo magis orator in cognitione virtutum vitiorumque versetur. Reliquum autem genus causarum aut in provisione posteri temporis aut in praeteriti disceptatione versatur, quorum alterum deliberationis est, alterum
70 iudicii. Ex qua partitione tria genera causarum exstiterunt, unum quod a meliori parte laudationis est appellatum, deliberationis alterum, tertium iudiciorum. Quam ob rem de primo primum, si placet, disputemus.

C. F. Mihi vero placet.

XXI. C. P. Ac laudandi vituperandique rationes, quae non ad bene dicendum solum sed etiam ad honeste vivendum valent, exponam breviter, atque a principiis exordiar et laudandi et vituperandi.

71 Omnia enim sunt profecto laudanda quae coniuncta cum virtute sunt, et quae cum vitiis, vituperanda. Quam ob rem finis alterius est honestas,

[1] *Schol.*: aurium. [2] [probet et efficiat] ? *Rackham.*

[a] The two terms used to render θέσις, see § 61 notes *a* and *b*, are here in the Latin combined in one phrase.

ment, the same method that has been set out in the other divisions must be transferred to this one.

C. Jun. Now therefore that we know the whole of the scheme of theses or considerations,[a] there remains the classification of causes. or (2) a particular subject:

69 C. Sen. Exactly. And causes have a double form: one aims at giving pleasure to the audience, the other aims solely at maintaining, proving and establishing its case. Consequently the former is called embellishment; this can be a wide department and have very varied forms, so we have chosen one form of it, the form that we adopt for panegyrics on distinguished men and for censuring the wicked. For there is no class of oratory capable of producing more copious rhetoric or of doing more service to the state, nor any in which the speaker is more occupied in recognizing the virtues and vices. The remaining class of cases is occupied either in forecasting the future or in discussing the past—one of which subjects is a matter of deliberation and the other a matter
70 of judgement. This classification has given us three kinds of cases, one designated from its more important section laudatory oratory, the second deliberative oratory and the third judicial oratory. Consequently, if you are agreeable, let us discuss the first kind first.

C. Jun. I am quite agreeable.

XXI. C. Sen. I will give a brief account of the principles of awarding praise and blame, which have a value not only for good oratory but also for right conduct; and I will begin with the first principles both of laudation and of vituperation. either (1.) a panegyric speech:

71 Clearly everything associated with virtue deserves praise and everything associated with vice deserves blame; consequently praise is aimed at moral excel- laudable qualities and the reverse;

alterius turpitudo. Conficitur autem genus hoc dictionis narrandis exponendisque factis sine ullis argumentationibus, ad animi motus leniter tractandos magis quam ad fidem faciendam aut confirmandam accommodate. Non enim dubia firmantur sed ea quae certa aut pro certis posita sunt augentur. Quam ob rem ex eis quae ante dicta sunt et
72 narrandi et augendi praecepta repetentur. Et quoniam in his causis omnis ratio fere ad voluptatem auditoris et ad delectationem refertur, utendum erit eis in oratione singulorum verborum insignibus quae habent plurimum suavitatis: id est ut factis verbis aut vetustis aut translatis frequenter utamur, et in ipsa constructione verborum ut paria paribus et similia similibus saepe referantur, ut contraria, ut geminata, ut circumscripta numerose, non ad similitudinem versuum, sed ad explendum aurium sensum,
73 apto quodam quasi verborum modo. Adhibendaque frequentius etiam illa ornamenta rerum sunt, sive quae admirabilia et nec opinata, sive significata monstris, prodigiis, oraculis, sive quae videbuntur ei de quo agimus accidisse divina atque fatalia. Omnis enim exspectatio eius qui audit et admiratio et improvisi exitus habent aliquam in audiendo
74 voluptatem. XXII. Sed quoniam tribus in generibus bona malave versantur, externis, corporis, animi, prima sunt externa, quae ducuntur a genere: quo breviter modiceque laudato aut si erit infame praeter-

lence and blame at moral baseness. But this kind of discourse consists in narrating and exhibiting past actions, without employing any argument, and its style is adapted to gently influencing the emotions rather than to achieving conviction and proof. For it does not establish propositions that are doubtful but amplifies statements that are certain, or advanced as being certain. Consequently what has been said already will supply rules both for narration and for
72 amplification. And because virtually the whole method in these causes is directed to giving the audience pleasure and entertainment, in the style employment must be made of those brilliant touches in particular words which are such an extremely agreeable feature,—that means that we must frequently employ new coinages or archaisms or metaphors—, and in the actual construction of the words that we must use frequent repetitions of parallels and similes and contraries and doublets and rhythmic periods not designed to resemble verse but to satisfy the ear with what may be called a suitable verbal
73 harmony. And an even more frequent use must be made of decorative details such as surprising or unexpected events or things foreshadowed by portents and prodigies and by oracles, or what will appear to be occurrences sent by heaven or by fate to the person of whom we shall be speaking. For any feeling of anticipation aroused in the hearer and surprise and unexpected issues have an element of pleasure
74 in a recital. XXII. But as things good or evil occupy three classes, external goods, goods of the body and goods of the mind, the class to take first is that of external goods, which are headed by the man's family: this must be praised briefly and with

misso, si humile, vel praeterito vel ad augendam eius quem laudes gloriam tracto; deinceps si res patietur de fortunis erit et facultatibus dicendum, postea de corporis bonis, in quibus quidem quae virtutem maxime significat facillime forma laudatur.
75 Deinde est ad facta veniendum, quorum collocatio triplex est: aut enim temporum servandus est ordo aut in primis recentissimum quodque dicendum aut multa et varia facta in propria virtutum genera sunt dirigenda.

Sed hic locus virtutum atque vitiorum latissime patens ex multis et variis disputationibus nunc in
76 quamdam angustam et brevem concludetur. Est igitur vis virtutis duplex; aut enim scientia cernitur virtus, aut actione. Nam quae prudentia, quae calliditas, quaeque gravissimo nomine sapientia appellatur, haec scientia pollet una; quae vero moderandis cupiditatibus regendisque animi motibus laudatur, eius est munus in agendo: cui temperantiae nomen est. Atque illa prudentia in suis rebus domestica, in publicis civilis appellari solet.
77 Temperantia autem in suas itidem res et in communes distributa est, duobusque modis in rebus commodis discernitur, et ea quae absunt non expetendo et ab eis quae in potestate sunt abstinendo. In rebus autem incommodis est itidem duplex; nam quae venientibus malis obstat fortitudo, quae

moderation, or, if it is disgraceful, omitted, or if of low station, either passed over or so treated as to increase the glory of the person you are praising; next, if the facts permit, you must speak of his fortune and estate; and then of his personal endowments, among which it is easiest to praise a handsome appearance, as providing a very great indication of
75 virtue. Next one must come to the man's achievements, as to which there are three possible methods of arrangement: either one must keep their chronological order, or speak of the most recent first, or classify a number of different actions under the virtues to which they belong.

But as this topic of virtues and vices is of very wide extent, on this occasion it shall be summarized into a single limited and brief discourse in place of a number
76 of different ones. Virtue has a twofold meaning, for it is exhibited either in knowledge or in conduct. The virtue that is designated prudence and intelligence and the most impressive name of all, wisdom, exercises its influence by knowledge alone; but the virtue applauded in moderating the desires and controlling the emotions has its function in action, and the name of this virtue is temperance. The virtue of prudence when displayed in a man's private affairs is usually termed personal sagacity and when in public
77 affairs political wisdom. Similarly temperance is directed both to one's own affairs and those of the community, and is manifested in two ways in respect of profitable things—in not seeking those which one has not got and in refraining from using those which are in one's power. In respect of unprofitable things temperance is similarly twofold: that which withstands coming evils is named fortitude, and that which

virtues and vices;

quod iam adest tolerat et perfert patientia nominatur. Quae autem haec uno genere complectitur, magnitudo animi dicitur: cuius est liberalitas in usu pecuniae, simulque altitudo animi in capiendis incommodis et maxime iniuriis, et omne quod est eius generis, grave, sedatum [non turbulentum].[1]
78 In communione autem quae posita pars est, iustitia dicitur, eaque erga deos religio, erga parentes pietas, vulgo autem bonitas, creditis in rebus fides, in moderatione animadvertendi lenitas, amicitia in benevolentia nominatur.

XXIII. Atque hae quidem virtutes cernuntur in agendo. Sunt autem aliae quasi ministrae comitesque sapientiae, quarum altera quae sint in disputando vera atque falsa quibusque positis quid sequatur distinguit et iudicat, quae virtus omnis in ratione scientiaque disputandi sita est; altera autem
79 oratoria. Nihil enim est aliud eloquentia nisi copiose loquens sapientia, quae ex eodem hausta genere quo illa quae in disputando est, uberior est atque latior et ad motus animorum vulgique sensus accommodatior. Custos vero virtutum omnium dedecus fugiens laudemque maxime consequens verecundia est. Atque hi sunt fere quasi quidam[2] habitus animi sic affecti et constituti ut sint singuli inter se proprio virtutis genere distincti: a quibus ut quaeque res gesta est, ita sit honesta necesse est summeque laudabilis.

80 Sunt autem alii quidam animi habitus ad virtutem quasi praeculti et praeparati rectis studiis et

[1] [non turbulentum] *vel* [grave, sedatum] *edd.*
[2] quidam *edd.*: quidam ficti *aut* perfecti.

steadfastly endures present evil patience. But the virtue that embraces these qualities under a single head is called greatness of mind; this includes liberality in the use of money and also loftiness of mind in accepting unprofitable things and especially wrongs, and every quality of this kind, dignified and
78 calm. The part of virtue displayed in society is called justice, and that manifested towards the gods religion, towards parents piety, or in general goodness, in matters of trust good faith, in moderating punishment mercy, in benevolence friendliness.

XXIII. These virtues so far are displayed in action. But there are others which are so to speak the handmaidens and companions of wisdom; of these one is displayed in debate, distinguishing truth from falsehood and judging the logical consequence of given premisses—this virtue resides entirely in the method and science of debating; while the sphere of the
79 other is oratory. For eloquence is nothing else but wisdom delivering copious utterance; and this, while derived from the same class as the virtue above that operates in debate, is more abundant and wider and more closely adapted to the emotions and to the feelings of the common herd. But the guardian of all the virtues, which shuns disgrace and attains praise in the greatest degree, is modesty. These then practically are as it were habits of mind that are so characterized and constituted as to be mutually distinct from each other and each in a class of virtue belonging to itself; and in proportion as a particular action is directed by them, so it must of necessity be morally good and supremely praiseworthy.

80 But there are certain other states of mind trained and prepared for virtue by proper studies and sciences,

artibus, ut in suis rebus studia litterarum, ut numerorum ac sonorum, ut mensurae, ut siderum, ut equorum, ut venandi, ut armorum, in communibus propensiora studia in aliquo genere virtutis praecipue colendo aut divinis rebus deserviendo aut parentibus, amicis, hospitibus praecipue atque insigniter dili-
81 gendis. Atque haec quidem virtutum; vitiorum autem sunt genera contraria. Cernenda autem sunt diligenter, ne fallant ea nos vitia, quae virtutem videntur imitari. Nam et prudentiam malitia et temperantiam immanitas in voluptatibus aspernandis et magnitudinem animi superbia in nimis[1] extollendis et despicientia in contemnendis honoribus et liberalitatem effusio et fortitudinem audacia imitatur et patientiam duritia immanis et iustitiam acerbitas et religionem superstitio et lenitatem mollitia animi et verecundiam timiditas et illam disputandi prudentiam concertatio captatioque verborum, et hanc oratoriam vim inanis quaedam profluentia loquendi. Studiis autem bonis similia videntur
82 ea quae sunt in eodem genere nimia. Quam ob rem omnis vis laudandi vituperandique ex his sumetur virtutum vitiorumque partibus; sed in toto quasi contextu orationis haec erunt illustranda maxime, quemadmodum quisque generatus, quemadmodum educatus, quemadmodum institutus moratusque fuerit, et si quid cui magnum aut incredibile acciderit, maximeque si id divinitus accidisse potuerit videri; tum quod quisque senserit, dixerit, gesserit ad ea quae proposita sunt virtutum genera accommodabuntur, ex illisque eisdem inveniendi locis causae

[1] *Orelli:* animis.

as for instance among personal matters the study of literature, rhythms and music, mensuration and astronomy, riding and hunting and fencing; and interests more important in the life of the community consisting in the special cultivation of some particular kind of virtue, or devotion to the service of religion, or outstanding and exceptional filial affection or friend-
81 ship or hospitality. These are the classes of virtues. Those of the vices are their opposites; but careful attention must be given to them to save ourselves from being deceived by those vices which seem to imitate virtue. For cunning masquerades as prudence, boorish contempt for pleasure as temperance, pride in over-valuing honours and superciliousness in looking down on them as high-mindedness, profusion as liberality, audacity as bravery, savage hardness as endurance, harshness as justice, superstition as religion, softness as gentleness, timidity as modesty, verbal controversy and logic-chopping on the one hand as skilfulness in argument, and an empty flux of talk on the other as oratorical power. And again valuable studies are counterfeited by excesses in the
82 same department. Consequently all the resources of panegyric and reprehension will be adopted from these divisions of the virtues and vices; but in the whole fabric of the speech the greatest attention is to be focussed on the quality of a person's breeding and upbringing and education and character; and on any important or startling occurrence that a man has encountered, especially if this can appear to be due to the intervention of providence; and then each individual's opinions and utterances and actions will be classified under the scheme of the virtues that has been propounded. and these same topics of

rerum et eventus et consequentia requirentur. Neque vero mors eorum quorum vita laudabitur silentio praeteriri debebit, si modo quid erit animadvertendum aut in ipso genere mortis aut in eis rebus quae post mortem erunt consecutae.

83 XXIV. C. F. Accepi ista, didicique breviter non solum quemadmodum laudarem alterum sed etiam quemadmodum eniterer ut possem ipse iure laudari. Videamus igitur deinceps in sententia dicenda quam viam et quae praecepta teneamus.

C. P. Est igitur in deliberando finis utilitas, ad quem omnia ita referuntur in consilio dando sententiaque dicenda ut illa prima sint suasori aut dissuasori videnda, quid aut possit fieri aut non possit et quid aut necesse sit aut non necesse. Nam et si quid effici non potest, deliberatio tollitur quamvis utile sit, et si quid necesse est (necesse autem id est sine quo salvi liberive esse non possumus), id est reliquis et honestatibus in civili ratione et commodis
84 anteponendum. Cum autem quaeritur quid fieri possit, videndum etiam est quam facile possit; nam quae perdifficilia sunt perinde habenda saepe sunt ac si effici non possint. Et cum de necessitate attendemus, etsi aliquid non necessarium videbitur, videndum tamen erit quam sit magnum; quod enim

research will be drawn on to supply the causes and results and consequences of things. Nor yet will it be proper to pass over in silence the death of those persons whose life is going to be praised, in case of there being something noticeable either in the nature of their death itself or in the events that follow after death.

83 XXIV. C. Jun. You have given me brief instructions not merely as to how to praise another but also as to how to endeavour to be able to be deservedly praised myself. Let us then next see what course and what rules we are to follow in delivering an opinion.

or (II.) a speech in debate: advice as to courses of action;

C. Sen. Well, the purpose in deliberating is to obtain some advantage, to which the whole procedure in giving advice and pronouncing an opinion is directed in such a manner, that the primary considerations to be kept in view by the giver of advice for or against a certain course are what action is or is not possible and what course is necessary or not necessary. For if a thing is unattainable, debate about it is cancelled, however advantageous it may be, and also if a thing is necessary—and a necessity is something that is an indispensable condition of our security or freedom—it must take precedence in public policy of all the remaining considerations,
84 alike of honour and of profit. But in process of inquiring what can be achieved we must also consider how easily it can be achieved; for things that are of extreme difficulty ought in many cases to be deemed entirely impracticable. And when we are considering the question of necessity, even if something appears to be not necessary, we shall nevertheless have to consider how important it is; for a thing that

85 permagnum est pro necessario saepe habetur. Itaque cum constet hoc genus causarum ex suasione et dissuasione, suasori proponitur simplex ratio, si et utile est et fieri potest, fiat, dissuasori duplex, una, si non utile est, ne fiat, altera, si fieri non potest, ne suscipiatur. Sic suasori utrumque docendum est,
86 dissuasori alterum infirmare sat est. Quare quoniam in his versatur omne consilium duobus, de utilitate ante dicamus, quae in discernendis bonis malisque versatur. Bonorum autem partim necessaria sunt, ut vita, pudicitia, libertas, partim non necessaria, ut liberi, coniuges, germani, parentes[1]: quorum alia sunt per se expetenda, ut ea quae sita sunt in officiis atque virtutibus, alia quod aliquid commodi efficiunt,
87 ut opes et copiae. Eorum autem quae propter se expetuntur partim honestate ipsa, partim commoditate aliqua expetuntur: honestate ea quae proficiscuntur ab eis virtutibus de quibus paullo ante est dictum, quae sunt laudabilia ipsa per se: commoditate autem aliqua quae sunt in corporis aut in fortunae bonis expetenda, quorum alia sunt quasi cum honestate coniuncta, ut honos, ut gloria, alia diversa, ut vires, forma, valetudo, nobilitas, divitiae,
88 clientelae. XXV. Est etiam quaedam quasi materies

[1] ut liberi . . . parentes *hic Orelli: ante* partim non necessaria *codd.: an secludendum? Rackham.*

[a] The MSS. place 'for instance children . . . parents' before 'and some not necessary'; perhaps the words are an interpolation.

is of extremely great moment is often deemed to be
85 virtually necessary. Consequently as this class of cases consists in advising or dissuading, one who advises a certain course has available only a single line of advice—if the thing is both advantageous and feasible, do it; whereas the dissuader has available a double line—one, if the thing is not advantageous, do not do it, the other, if it is impossible, do not attempt it. Thus the adviser of a course has to prove both the conditions, whereas it is enough for the dis-
86 suader to refute either one of them. Consequently inasmuch as all deliberation is occupied with these two considerations, let us first discuss that of advantage, which is concerned with distinguishing between good things and bad things. Good things are some of them necessary, for instance life, self-respect, freedom, and some not necessary, for instance children, wives, relations, parents.[a] The latter fall into two classes: one, things desirable for their own sake, as the objects in the sphere of the duties and the virtues, the other, things such as wealth and resources,
87 that are means to something of value. But of things desired for their own sake some are desired on account of their intrinsic moral value and others on account of some advantage they confer: desired on account of their moral value are the objects discussed a little time before, which are praiseworthy for themselves; desired on account of some advantage are such among bodily goods and goods of fortune as are desirable. Of these some are in a manner combined with a certain moral value, for example honour, glory; while others are in a different class, for instance strength, beauty, health, fame, wealth, dependents.
88 XXV. Moral goodness also has so to speak a subject-

subiecta honestati, quae maxime spectatur in amicitiis. Amicitiae autem caritate et amore cernuntur; nam cum deorum, tum parentum patriaeque cultus eorumque hominum qui aut sapientia aut opibus excellunt ad caritatem referri solet, coniuges autem et liberi et fratres et alii quos usus familiaritasque coniunxit, quamquam etiam caritate ipsa, tamen amore maxime continentur. In his igitur rebus cum bona sint, facile est intellectu quae sint
89 contraria. Quodsi semper optima tenere possemus, haud sane, quoniam quidem ea perspicua sunt, consilio multum egeremus. Sed quia temporibus, quae vim habent maximam, persaepe evenit ut utilitas cum honestate certet, earumque rerum contentio plerumque deliberationes efficit ne aut opportuna propter dignitatem aut honesta propter utilitatem relinquantur, ad hanc difficultatem explicandam praecepta
90 referamus. Et quoniam non ad veritatem solum sed etiam ad opiniones eorum qui audiunt accommodanda est oratio, hoc primum intellegamus, hominum duo esse genera, alterum indoctum et agreste, quod anteferat semper utilitatem honestati, alterum humanum et politum, quod rebus omnibus dignitatem anteponat. Itaque huic generi laus, honor, gloria, fides, iustitia, omnisque virtus, illi autem alteri quaestus emolumentum fructusque proponitur. Atque etiam voluptas, quae maxime est inimica virtuti bonique naturam fallaciter imitando adulterat,

matter which is particularly visible in friendships. Friendships are manifested by esteem and by affection. Respect for the gods and for parents and country and for those persons who are eminent for wisdom or for wealth is customarily classed under esteem, whereas wives and children and brothers and other persons attached to us by association and familiarity are bound to us partly it is true by actual esteem but chiefly by affection. As then there are good things in these departments, it is easy to understand what
89 things are the opposite of good. If indeed it were in our power to possess the greatest goods always, it is quite certain that we should not be much in need of advice, inasmuch as they are obvious. But because circumstances, which are a very important factor, very often bring it about that utility is at variance with moral value, and as the opposition between these two factors usually produces debate, aimed at avoiding the sacrifice of advantages for the sake of what is worthy or of moral goodness for the sake of utility, let us record some rules for the solution of this
90 problem. And because it is necessary to adapt one's discourse to conform not only with the truth but also with the opinions of one's hearers, the first point that we must grasp is that mankind falls into two classes, one uninstructed and uncultivated, which always prefers utility to moral value, and other humane and cultivated, which places true worth above all other things. Consequently the latter class of people give the first place to distinction, honour, glory, good faith, justice and all the forms of virtue, while the former class put the profits and emoluments of gain first. And also pleasure, which is the greatest enemy of virtue and adulterates the true essence of the good

quam immanissimus quisque acerrime sequitur, neque solum honestis rebus sed etiam necessariis anteponit, in suadendo, cum ei generi hominum consilium des, saepe sane laudanda est.

91 XXVI. Et illud videndum, quanto magis homines mala fugiant quam sequantur bona. Nam neque honesta tam expetunt quam devitant turpia; quis enim honorem, quis gloriam, quis laudem, quis ullum decus tam umquam expetat quam ignominiam, infamiam, contumeliam, dedecus fugiat? quarum rerum dolor gravis est testis genus hominum ad honestatem natum, malo cultu pravisque opinionibus corruptum. Quare in cohortando atque suadendo propositum quidem nobis erit illud, ut doceamus qua via[1] bona consequi malaque vitare possimus:
92 sed apud homines bene institutos plurimum de laude et de honestate dicemus, maximeque ea virtutum genera tractabimus quae in communi hominum utilitate tuenda augendaque versantur. Sin apud indoctos imperitosque dicemus, fructus, emolumenta, voluptates vitationesque dolorum proferantur; addantur etiam contumeliae atque ignominiae; nemo enim est tam agrestis quem non, si ipsa minus honestas, contumelia tamen et dedecus magnopere
93 moveat. Quare quod ad utilitatem spectat ex eis quae dicta sunt reperietur: quod autem, possit

[1] *Rackham:* vi.

by deceptive imitations, and which is most eagerly pursued by all the most uncivilized people, who place it in front of not only things of moral value but also necessaries, it will quite often have to receive your praise in advisory speeches, when you are giving counsel to persons of that class.

91 XXVI. And it must be noticed how much more energetically people fly from what is evil than they pursue what is good. Neither indeed do they seek after what is honourable so much as they try to avoid what is disgraceful. Who would seek to gain honour and glory and praise and any distinction so keenly as he flees from ignominy and discredit and contumely and disgrace? The pain that these inflict gives weighty evidence that the human race was designed by nature for what is honourable, although it has been corrupted by bad education and erroneous opinions. Consequently, in exhorting and advising, although our aim will be to teach by what method it is possible for us to attain the good and avoid the
92 evil, nevertheless in addressing well educated people we shall speak most of glory and honour, and shall give our chief attention to the kinds of virtue that are exercised in protecting and increasing the common advantage of mankind. Whereas if we are speaking in the presence of the unlearned and ignorant, it is profits and rewards, pleasures and modes of avoiding pain that must be put forward; and references to contumely and disgrace must also be added, for there is nobody so boorish that he is not deeply sensitive to contumely and disgrace, even though he be less
93 influenced by actual considerations of honour. Consequently what has been said will supply information as to considerations of utility, while practicability,

motives of action;

effici necne,[1] in quo etiam quam facile possit quamque expediat quaeri solet, maxime ex causis eis quae quamque rem efficiant est videndum. Causarum autem genera sunt plura; nam sunt aliae quae ipsae conficiunt, aliae quae vim aliquam ad conficiendum afferunt. Itaque illae superiores conficientes vocentur, hae reliquae ponantur in eo genere ut sine his
94 confici non possit. Conficiens autem causa alia est absoluta et perfecta per se, alia aliquid adiuvans et efficiendi socia quaedam: cuius generis vis varia est, et saepe aut maior aut minor, ut et illa quae maximam vim habet sola saepe causa dicatur. Sunt autem aliae causae quae aut propter principium aut propter exitum conficientes vocantur. Cum autem quaeritur quid sit optimum factu, aut utilitas aut spes efficiendi ad assentiendum impellit animos.

95 XXVII. Et quoniam de utilitate iam diximus, de efficiendi ratione dicamus. Quo toto in[2] genere quibuscum et contra quos et quo tempore et quo loco quibus facultatibus armorum, pecuniae, sociorum, earumve rerum quae ad quamque rem efficiendam pertinent possimus uti requirendum est. Neque solum ea sunt quae nobis suppetunt sed etiam illa quae adversantur videnda; et si ex contentione procliviora erunt nostra, non solum effici posse quae suademus erit persuadendum sed curandum etiam ut illa facilia, proclivia, iucunda videantur. Dissuadentibus autem aut utilitas labefactanda est aut

[1] *Ernesti:* possit necne possit.   [2] *v.l. om.* in.

with which are also usually included the questions of facility and of expediency, is chiefly to be looked at in the light of the causes productive of the various objects in view. Causes are of several kinds, some producing a result intrinsically and others contributing to its production. Let us call the former efficient causes, and class the latter as indispens-
94 able accessory causes. An efficient cause is either absolute and complete in itself or auxiliary and associated in producing an effect; a force of the latter kind varies and is sometimes more and sometimes less effective, with the further consequence that the term 'cause' often denotes only the most powerful cause. There are other causes which are called efficient either as being initiatory or as ultimate. When the question is raised what is the best thing to do, the motive causing acceptance of the solution is either expediency or hope of effective success.

95 XXVII. And as we have spoken about expediency already, let us discuss the meaning of efficiency. Under this general head we have to discover with whom and against whom and when and where it is in our power to employ what resources of arms and money and allies or of the things contributory to our effecting a particular result. And we must not only envisage the resources that we possess but the things that operate against us; and if on comparison the balance is on our side, we must not only persuade our audience that the course we advise is feasible but also take pains to make it appear easy and practicable and agreeable. On the other hand when arguing against a policy we have either to demolish the assertion of its expediency or to put forward the difficulties

efficiendi difficultates efferendae, neque aliis ex prae-
96 ceptis sed eisdem ex suasionis locis. Uterque vero ad augendum habeat exemplorum aut recentium quo notiora sint aut veterum quo plus auctoritatis habeant, copiam; maximeque sit in hoc genere meditatus, ut possit vel utilia ac necessaria saepe honestis vel haec illis anteferre. Ad commovendos autem animos maxime proficient, si incitandi erunt, huiusmodi sententiae quae aut ad explendas cupiditates aut ad odium satiandum aut ad ulciscendas iniurias pertinebunt; sin autem reprimendi, de incerto statu fortunae dubiisque eventis rerum futurarum et retinendis suis fortunis si erunt secundae, sin autem adversae, de periculo commonendi. Atque hi quidem sunt perorationis loci.
97 Principia autem in sententiis dicendis brevia esse debent; non enim supplex ut ad iudicem venit orator sed hortator atque auctor. Quare proponere qua mente dicat, quid velit, quibus de rebus dicturus sit debet, hortarique ad se breviter dicentem audiendum. Tota autem oratio simplex et gravis et sententiis debet ornatior esse quam verbis.

98 XXVIII. C. F. Cognovi iam laudationis et suasionis

in the way of carrying it out, and we must base our arguments not on other principles but on the same topics as those that have been employed in speaking
96 in favour of the proposal. But both proposer and opposer must have a supply of precedents for the purpose of amplification—either recent precedents, so as to be more in general knowledge, or old ones so as to carry more authority; and the speaker must have had a great deal of practice in this department, so that he may be able very often to place considerations of expediency and necessity in front of those of morality, or *vice versa*. If the audience requires stimulating, the most effective kind of considerations for rousing them will be those concerned with satisfying their desires or gratifying their hatred or avenging their wrongs; but if on the other hand it is necessary to repress their impulses, they must be warned as to the instability of fortune and the doubtful issues of the future, and if they are enjoying good fortune, as to keeping it, or if bad, as to the danger they are in. These then are the topics for the perora-
97 tion. The exordium in a statement of opinion ought to be brief; for the speaker does not come as a suppliant, as he would in a court of law, but as giving an exhortation and making a proposal. Consequently he ought to set forth what he has in mind in speaking and what is his intention and what subjects he is going to deal with, and to exhort his audience to give his brief remarks a hearing. Moreover the whole of the speech must be simple and weighty, and more elaborate in its contents than in its language.

98 XXVIII. C. Jun. Now I know the topics belonging to a panegyric and to a speech in debate. I now look

or (iii.) a speech in an action at law:

locos: nunc quae iudiciis accommodata sint exspecto, idque nobis genus restare unum puto.

C. P. Recte intellegis. Atque eius quidem generis finis est aequitas, quae non simpliciter spectatur sed ex comparatione nonnumquam, ut cum de verissimo accusatore disputatur aut cum hereditatis sine lege aut sine testamento petitur possessio, in quibus causis quid aequius aequissimumve sit quaeritur; quas ad causas facultas petitur argumentationum ex
99 eis de quibus mox dicetur aequitatis locis. Atque etiam ante iudicium de constituendo ipso iudicio solet esse contentio, cum aut sitne actio illi qui agit aut iamne sit aut num iam esse desierit aut illane lege hisne verbis sit actio quaeritur. Quae etiamsi ante quam res in iudicium venit aut concertata aut diiudicata aut confecta non[1] sunt, tamen in ipsis iudiciis permagnum saepe habent pondus cum ita dicitur: plus petisti; sero petisti; non fuit tua petitio; non a me, non hac lege, non his verbis,
100 non hoc iudicio. Quarum causarum genus est positum in iure civili quod est in privatarum[2] rerum lege aut more positum; cuius scientia neglecta ab oratoribus plerisque nobis ad dicendum necessaria

[1] [non] *Lambinus.*
[2] *Kayser:* privatarum ac publicarum.

to you for the arguments appropriate to a court of law; that, I believe, is the only kind of oratory that we still have left.

C. Sen. You are quite right. And the subject at which a speech of this kind aims is equity, which occasionally is envisaged not in simple form but by means of a comparison, as for example when the entire reliability of the prosecutor is enlarged upon, or when possession of an estate is sued for without the support of law or in the absence of a will; in these cases, the question is raised as to what is more, or most, equitable; and for these cases a ready supply of lines of argument is afforded by the topics deal-
99 ing with equity that will soon be discussed. And even before the trial begins there is usually a dispute about the institution of the trial itself, when the question is raised whether the party taking proceedings has the right to do so, or has the right to do so yet, or has now ceased to have it, or whether action is open to him under the law cited, or in the terms employed. And even if these questions have not been raised or decided or settled before the case comes into court, nevertheless they often carry very great weight during the actual proceedings, when the statement is advanced, 'You have sued for an excessive amount,' or 'You have taken proceedings too late,' or 'The suit was not one for you to institute,' or 'I was not the party to be sued,' or 'not under this law,' or 'not in this form of words,'
100 or 'not before this court.' This class of cases comes under the principles of civil law embodied in some enactment or precedent governing private affairs; and a knowledge of these principles although neglected by most pleaders appears to us to be indis-

videtur. Quare de constituendis actionibus, de[1] accipiendis subeundisque iudiciis, de excipienda iniquitate actionis, de comparanda aequitate, quod ea fere generis eius sunt ut quamquam in ipsum iudicium saepe delabantur tamen ante iudicium tractanda videantur, paullulum ea separo a iudiciis tempore magis agendi quam dissimilitudine generis. Nam omnia quae de iure civili aut de aequo et bono disceptantur cadunt in eam formam in qua quale quid sit ambigitur, de qua dicturi sumus; quae in aequitate et iure maxime consistit.

101 XXIX. In omnibus igitur causis tres sunt gradus ex quibus unus aliquis capiendus est, si plures non queas, ad resistendum. Nam aut ita constituendum[2] est ut id quod obiicitur factum neges, aut illud quod factum fateare neges eam vim habere atque id esse quod adversarius criminetur, aut si neque de facto neque de facti appellatione ambigi potest, id quod arguere neges tale esse quale ille dicat et rectum
102 esse quod feceris concedendumve defendas. Ita primus ille status et quasi conflictio cum adversario coniectura quadam, secundus autem definitione atque descriptione aut informatione verbi, tertius aequi et veri et recti et humani ad ignoscendum disputatione tractandus est. Et quoniam semper is qui defendit non solum resistat oportet aliquo statu

[1] de *add. Rackham.*
[2] *Rackham:* consistendum.

pensable for a speaker. Consequently the subjects of instituting proceedings, securing or accepting a court, objecting to inequitable and obtaining equitable procedure, as they are mostly of such a kind that, although in fact they are often allowed to slip into the course of the actual proceedings, they ought nevertheless, as it appears, to be dealt with before the commencement of the case—these subjects I keep somewhat separate from the actual trials, in respect of the time of their being raised rather than owing to a difference of kind. For all discussions about legal principle or about equity and right fall under the class of cases in which the point debated is the nature of a particular matter, a class of cases which we are going to discuss, and which chiefly turns on equity and justice.

101 XXIX. In all cases therefore there are three stages, one of which must be taken, if you are unable to take more, to make a stand against. Either you must decide to deny that the action in question ever took place, or, if you admit that it did take place, to deny that it has the effect alleged and is the action that your opponent lays to your charge, or, if it is not possible to challenge either the action or the name applied to it, you must deny that the action with which you are charged is of the nature that he states and you must maintain that what you really did
102 was right, or permissible. Thus the first stand for joining issue with your opponent must be managed by employing a kind of conjecture, the second by using definition and paraphrase or explanation of a term, and the third by discussing equity, truth, right and humanity in forgiving. And since a defendant must always not only take his stand

Lines of prosecution.

aut infitiando aut definiendo aut aequitate opponenda sed etiam rationem subiiciat recusationis suae, primus ille status rationem habet iniqui criminis, ipsam negationem infitiationemque facti ; secundus quod non sit in re quod ab adversario ponatur in verbo ; tertius quod id recte factum esse defendat quod sine ulla nominis controversia factum fatetur.
103 Deinde uni cuique rationi opponendum est ab accusatore id quod si non esset in accusatione, causa omnino esse non posset. Itaque ea quae sic referuntur continentia causarum vocentur : quamquam non ea magis quae contra rationem defensionis afferuntur quam ipsae defensionis rationes continent causas. Sed distinguendi gratia rationem appellamus eam quae affertur ab reo ad recusandum depellendi criminis causa, quae nisi esset, quod defenderet non haberet : firmamentum autem quod contra ad labefactandam rationem refertur, sine quo accusatio stare non potest.

104 XXX. Ex rationis autem et[1] firmamenti conflictione et quasi concursu quaestio exoritur quaedam quam disceptationem voco : in qua quid veniat in iudicium et de quo disceptetur quaeri solet. Nam prima adversariorum contentio diffusam habet quaestionem ; ut in coniectura, ceperitne pecunias Decius ; in definitione, minueritne maiestatem

[1] et *Rackham* : et ex.

on some definite position, employing either denial or definition or the counterplea of equity, but must also submit the line he adopts for his counterplea, the first position mentioned above takes the line of the injustice of the charge, a flat negation and denial of the act alleged; the second a statement that the real fact has not the same content that your opponent places in the term; and the third, the contention that the act which without any disputing about its name he confesses was committed, was
103 a right act. Then each successive argument must be met by the prosecutor with the point the absence of which in the charge would make the case an absolute impossibility. Consequently the matters thus introduced may be called the key-points of a case ; although cases do not depend more on the arguments adduced to counter the line of the defence than on the actual lines of the defence. But for the sake of distinction let us apply the term ' reason ' to the plea advanced by the defendant to take exception for the purpose of repelling the charge, the absence of which plea would leave him without a defence ; while we will use ' corroboration ' to denote the counter-consideration directed to undermine the reason, and indispensable to the validity of the charge.

104 XXX. But the discrepancy and collision between the reason and the corroboration gives rise to an inquiry which I call the discussion—a section in which it is usual to inquire what is the point at issue in the suit and what is the subject under discussion. For the first encounter between the opponents raises some wide question, for example on a point of conjecture : ' Did Decius take the money ? ' or of definition : ' Was Norbanus's conduct treasonable ? ' or

Norbanus; in aequitate, iurene occiderit Opimius Gracchum. Haec, quae primam contentionem habent ex arguendo et resistendo, lata, ut dixi, et fusa sunt; rationum et firmamentorum contentio adducit in angustum disceptationem. Ea in coniectura nulla est; nemo enim eius quod negat factum rationem aut potest aut debet aut solet reddere. Itaque in his causis eadem et prima quaestio, et
105 disceptatio est extrema. In illis autem ubi ita dicitur: 'Non minuit maiestatem quod egit de Caepione turbulentius; populi enim Romani dolor iustus vim illam excitavit, non tribuni actio; maiestas autem, quoniam est magnitudo quaedam, populi Romani in eius potestate ac iure retinendo aucta est potius quam diminuta,' et ubi ita refertur: 'Maiestas est in imperii atque in nominis populi Romani dignitate, quam minuit is qui per vim multitudinis rem ad seditionem vocavit,' exsistit illa disceptatio, minueritne maiestatem qui voluntate populi Romani rem gratam et aequam per vim egerit.
106 In eis autem causis ubi aliquid recte factum aut concedendum esse defenditur, cum est facti subiecta ratio, sicut ab Opimio: 'Iure feci, salutis omnium et conservandae reipublicae causa,' relatumque est ab Decio: 'Ne sceleratissimum quidem civem sine iudicio iure ullo necare potuisti,' oritur illa dis-

of equity: 'Was Opimius justified in taking Gracchus's life?' These questions which comprise the first encounter, based on argument and counter-argument, are as I said of a wide and loose form; but the encounter that employs reasons and corroborations brings the discussion into a narrow field. This does not depend on any inference, for it is not possible or necessary or usual for anybody to give a reason for an action which he denies. Consequently in these cases the first inquiry and the concluding
105 discussion are the same. But in the ones that run like this: 'His somewhat disorderly procedure in respect of Caepio involved no treason; the violence in question was aroused by the just indignation of the public and not by the action of the tribune; whereas the majesty of the Roman people, inasmuch as that means their greatness, was increased rather than diminished in the maintenance of its power and right,' and when the terms of reference are: 'Majesty resides in the dignity of high office and of the name of the Roman people, which was impaired by one who employed mob violence to promote sedition,' the question will arise whether one who with the consent of the Roman people employed violence to effect a result that was acceptable and equitable,
106 really diminished the majesty of the people. But in the cases in which the defence is that some action was right or permissible, when the reason for the action is submitted, as in the case of the explanation of Opimius: 'I acted rightly, for the sake of the general safety and the preservation of the state,' and Decius's rejoinder: 'You had no power or right of any kind to kill even the most criminal citizen without trial,' the discussion that arises is whether he had

ceptatio: potueritne recte salutis reipublicae causa civem eversorem civitatis indemnatum necare. Ita disceptationes eae quae in his controversiis oriuntur quae sunt certis personis et temporibus notatae fiunt rursus infinitae detractis et temporibus et personis, et rursum ad consultationis formam rationemque revo-
107 cantur. XXXI. Sed in gravissimis firmamentis etiam illa ponenda sunt, si qua ex scripto legis aut testamenti aut verborum ipsius iudicii aut alicuius stipulationis aut cautionis opponuntur defensioni contraria. Ac ne hoc quidem genus in eas causas incurrit quae coniectura continentur; quod enim factum negatur, id argui non potest scripto. Ne in definitionem quidem venit genere scripti ipsius; nam etiamsi verbum aliquod de scripto definiendum est quam vim habeat, ut cum ex testamentis quid sit penus aut cum ex lege praedii quaeritur quae sint ruta caesa, non scripti genus sed verbi inter-
108 pretatio controversiam parit. Cum autem aut[1] plura significantur scripto propter verbi aut verborum ambiguitatem, ut liceat ei qui contra dicat eo trahere significationem scripti quo expediat ac velit, aut, si ambigue scriptum non sit, vel a verbis voluntatem et sententiam scriptoris abducere vel alio se eadem de re contrarie scripto defendere, tum disceptatio ex scripti contentione exsistit, ut

[1] [aut] ? *Rackham.*

the power and the right for the sake of the safety of the state to put to death a citizen who was a violent revolutionary without his having been found guilty. Consequently the discussions arising in these disputes that involve definite persons and occasions are turned into unlimited discussions when the persons and occasions are removed, and fall back into the
107 form and method of debates. XXXI. But among the most weighty corroborations must also be placed those that are produced in opposition to the defence from the text of a law or a will or the formula of the actual trial or some covenant or guarantee. But even this class of argument is not available in cases that are based on inference; for a denial of an action cannot be met by a written document. It does not even enter into definition, owing to the nature of actual documentary evidence: for even if the force of a word in a written document has to be defined, for instance, if the meaning of the term 'stock' in a will is asked, or in the law of landed property the meaning of 'minerals and timber,' it is not the class of the document but the interpretation of the
108 language that causes controversy. When however either because of the ambiguity of a word or words a written document has several meanings, so that it is open to the party speaking on the other side to interpret the sense of the document in the way that pays him and that he wishes, or else, if the document is not ambiguous, to twist the intention and the meaning of the writer away from the words, or to put forward in his defence some other document about the same matter having the contrary sense, then comes in the discussion based on dispute as to a written document, leading in the case of ambiguously

in ambiguis disceptetur quid maxime significetur, in scripti sententiaeque contentione, utrum potius sequatur iudex, in contrariis scriptis, utrum magis sit comprobandum.

109 Disceptatio autem cum est constituta, propositum esse debet oratori quo omnes argumentationes repetitae ex inveniendi locis coniiciantur. Quod quamquam satis est ei qui videt quid in quoque loco lateat quique illos locos tamquam thesauros aliquos argumentorum notatos habet, tamen ea quae sunt certarum causarum propria tangemus.

110 XXXII. In coniectura igitur, cum est in infitiando reus, accusatori haec duo prima sunt—sed accusatorem pro omni actore et petitore appello : possunt enim etiam sine accusatione in causis haec eadem controversiarum genera versari—sed haec duo sunt ei prima, causa et eventus. Causam appello rationem efficiendi, eventum id quod est effectum. Atque ipsa quidem partitio causarum paullo ante in suasionis

111 locis distributa est. Quae enim in consilio capiendo futuri temporis praecipiebantur, quam ob rem aut utilitatem viderentur habitura aut efficiendi facultatem, eadem qui de facto argumentabitur colligere debebit, quam ob rem et utilia illi quem arguet fuisse et ab eo effici potuisse demonstret. Utilitatis coniectura movetur si illud quod arguitur aut spe

expressed documents to a discussion of what the most probable meaning is, and in the case of a conflict between the expression and the intention, which of the two the court is to follow by preference, and in documents that conflict with one another, which is to be accepted in preference to the other.

Invention of topics.

109 But when the line of discussion is decided upon, the speaker must have before him a point of reference to which to refer all the lines of argument obtained from topics of invention. And although this is enough for one who sees the hidden content of each topic and who has the topics in question neatly labelled like storehouses of arguments, we will nevertheless touch on the subjects that are appropriate to certain cases.

110 XXXII. In inference therefore, when the defendant's position is to deny the charge, the two first lines to be taken by the prosecutor—I will use that term for every plaintiff or person who institutes proceedings, for these same kinds of dispute can find a place even in actions that do not involve making a charge—well, these are the two first points for the prosecutor to take, the cause and the result. By ' cause ' I mean the reason for doing something and by ' result ' the thing done. And as for the actual classification of causes, this was expounded a little earlier among

Considerations of motive.

111 the topics of persuasion. For the arguments there recommended in taking counsel for the future, for the purpose of making the policy appear likely to be either profitable or easy to execute, will similarly have to be employed by a person going to argue about a past action, as a way of proving that the thing was both advantageous for the person he will be exposing and within his power to execute. The inference of advantageousness is suggested if his motive for doing

bonorum aut malorum metu fecisse dicitur, quod eo fit acrius quo illa in utroque genere maiora
112 ponuntur. Spectant etiam ad causam facti motus animorum, si ira recens, si odium vetus, si ulciscendi studium, si iniuriae dolor, si honoris, si gloriae, si imperii, si pecuniae cupiditas, si periculi timor, si aes alienum, si angustiae rei familiaris: si audax, si levis, si crudelis, si impotens, si incautus, si insipiens, si amans, si commota mente, si vinolentus, si cum spe efficiendi, si cum opinione celandi aut si patefactum esset depellendi criminis, vel perrumpendi periculi, vel in longinquum tempus differendi: aut si iudicii poena levior quam facti praemium: aut si facinoris voluptas maior quam damnationis
113 dolor. His fere rebus facti suspicio confirmatur, cum et voluntatis in reo causae reperiuntur et facultas. In voluntate autem utilitas ex adeptione alicuius commodi vitationeque alicuius incommodi quaeritur, ut aut spes aut metus impulisse videatur, aut aliquis repentinus animi motus, qui etiam citius in fraudem quam ratio utilitatis impellit. Quam ob rem sint haec dicta de causis.

114 C. F. Teneo, et quaero qui sint illi eventus quos ex causis effici dixisti.

XXXIII. C. P. Consequentia quaedam signa praeteriti et quasi impressa facti vestigia: quae quidem

the action censured is alleged to have been either hope of benefits or fear of evils; and this gains further point in proportion as prospects of greater importance
112 in either class are produced. Also emotions have a bearing on the cause of an action, in cases where there is a recent outburst of anger, a long-standing hatred, desire for revenge, resentment for injury, desire for honour or glory or power or money, fear of danger, debt, straitened circumstances: or if a man is audacious, or frivolous, or cruel, or impulsive, or rash, or foolish, or in love, or excited, or drunk, or hopeful of succeeding in or confident of concealing a crime or, if it is discovered, of repelling the charge or of sweeping the danger aside or putting it off for a long time: or in case the penalty for conviction is less than the profit made out of the deed: or in case the pleasure of doing it is greater than the pain of being
113 punished for it. These more or less are the considerations that support suspicions of guilt, when both motives for wishing the crime and means of committing it are discovered in the defendant. Under the head of wish we look for the profit of getting some advantage or of avoiding some disadvantage, so as to make it appear that the act was prompted by either hope or fear or by some sudden impulse, which is a motive for dishonesty that acts even more quickly than considerations of profit. Consequently let this conclude our remarks about motive.

114 C. Jun. I accept your statements, and I want to know what are the results that you spoke of as being the conseuqences of motives.

XXXIII. C. Sen. Subsequent indications of something that is past, the traces and imprint of a previous action; these indeed are most powerful in

Corroborative evidence.

vel maxime suspicionem movent et quasi tacita sunt
criminum testimonia, atque hoc quidem graviora
quod causae communiter videntur insimulare et
arguere omnes posse quorum modo interfuerit
aliquid : haec proprie attingunt eos ipsos qui arguun-
tur, ut telum, ut vestigium, ut cruor, ut deprehensum
aliquid, quod ablatum ereptumve videatur, ut
responsum inconstanter, ut haesitatum, ut titu-
batum, ut cum aliquo visus ex quo suspicio oriatur,
ut eo ipso in loco visus in quo facinus, ut pallor, ut
tremor, ut scriptum aut obsignatum aut depositum
quippiam. Haec enim et talia sunt quae aut in re
ipsa aut etiam ante quam factum est aut postea
115 suspiciosum crimen efficiant. Quae si non erunt,
tamen causis ipsis et efficiendi facultatibus niti
oportebit, adiuncta illa disputatione communi, non
fuisse illum tam amentem ut indicia facti aut effugere
aut occultare non posset, ut ita apertus esset, ut
locum crimini relinqueret. Communis ille contra
locus, audaciam temeritati, non prudentiae esse
116 coniunctam. Sequitur autem ille locus ad augendum,
non esse exspectandum dum fateatur, argumentis
peccata convinci ; et hic etiam exempla ponentur.

117 XXXIV. Atque haec quidem de argumentis. Sin
autem erit etiam testium facultas, primum genus
erit ipsum laudandum, dicendumque ne argumentis
teneretur reus ipsum sua cautione effecisse, testes

exciting suspicion, and are silent evidence of guilt,
evidence indeed carrying all the more weight because
it seems able collectively to accuse and convict of the
offence everybody in any way connected with it :
these intimately touch the actual persons accused—
for instance, a weapon, a footprint, blood ; the dis-
covery of some article that looks as if it had been
taken away or snatched from the victim ; an incon-
sistent answer, hesitation, stammering ; having been
seen in company with somebody who gives rise to
suspicion, having been seen at the actual place where
the crime was committed ; looking pale, trembling ;
a writing or a sealed document or deposition. For
these are the kind of things that whether part of the
affair itself or even as prior or subsequent occurrences
115 render the charge suspicious. If they are not forth-
coming, nevertheless one will have to rely on the
actual motives and the opportunities for doing the
deed, with the addition of the stock argument that
the defendant assuredly was not so insane as to be
incapable of either escaping or concealing the traces
of his act, or as to be so open, or as to leave ground
for the charge. Against this there is the stock argu-
ment that audacity goes with rashness and not with
116 prudence. Then follows the corroborative argument
that we must not wait till the guilty man makes a
confession, but that offences are proved by argu-
ments ; and at this point we shall also produce
instances.

Handling of witnesses.

117 XXXIV. So much for arguments. If however
evidence of witnesses is also available, we shall have
to begin by praising witnesses as a class, and saying
that the defendant has by his own precautions made
it impossible to prove him guilty by arguments, but

effugere non potuisse; deinde singuli laudentur [quae autem essent laudabilia dictum est][1]; deinde etiam argumento firmo, quia tamen saepe falsum est, posse recte non credi, viro bono et firmo sine vitio iudicis non posse non credi; atque etiam, si obscuri testes erunt aut tenues, dicendum erit non esse ex fortuna fidem ponderandam, aut eos esse cuiusque locupletissimos testes qui id de quo agatur facillime scire possint. Sin quaestiones habitae aut postulatio ut habeantur causam adiuvabunt, confirmandum genus primum quaestionum erit, dicendum de vi doloris, de opinione maiorum, qui eam rem
118 totam nisi probassent certe repudiassent; de institutis Atheniensium, Rhodiorum, doctissimorum hominum, apud quos etiam (id quod acerbissimum est) liberi civesque torquentur; de nostrorum etiam prudentissimorum hominum institutis, qui cum de servis in dominos quaeri noluissent, de incestu tamen, et coniuratione quae facta me consule est,[2] quaerendum putaverunt. Irridenda etiam disputatio est qua solent uti ad infirmandas quaestiones et meditata puerilisque dicenda. Tum facienda fides diligenter esse et sine cupiditate quaesitum, dicta-

[1] *seclusit Rackham.*
[2] [et coniuratione . . . facta est] *? Rackham.*

[a] This reads like a gloss on 'praising witnesses as a class' above.
[b] The Catilinarian conspiracy denounced by Cicero in 63 B.C. There appears to be no other evidence for the use of torture during these proceedings. Cicero, *pro Deiotaro* § 3, merely states that the examination of slaves by torture to give evidence against their master is not allowed, and *pro Milone* § 59, he says that it is only permitted in trials for incest. The clause is perhaps an interpolation.

that he has not been able to avoid witnesses; then you must praise the witnesses individually (praiseworthy characteristics have been mentioned)[a]; then say even a strong argument can be rightly disbelieved, as it is often false nevertheless, but a virtuous man of strong character cannot be refused belief save by the fault of the judge. And also, if the witnesses are men of no position or of slender means, you must say that a man's reliability is not to be measured by his fortunes, or that the most reliable witnesses of any matter are the people in the best position to know the matter in question. If examination of witnesses held under torture or the demand to hold such examination is likely to help the case, you must first support that institution, and speak about the efficacy of pain, and about the opinion of our ancestors, who undoubtedly would have repudiated the whole thing if they had not approved
118 of it; and about the institutions of the Athenians and Rhodians, highly cultivated people, with whom even freemen and citizens—most shocking as this is—are put to the torture; and also about the institutions of our fellow-countrymen, persons of supreme wisdom, who although they would not allow slaves to be tortured to give evidence against their masters, nevertheless approved the use of torture in cases of incest, and in the case of conspiracy[b] that occurred during my consulship. Also the contention usually employed to invalidate evidence under torture must be scouted as ridiculous, and pronounced to be doctrinaire and childish. Then you must produce confidence in the thoroughness and the impartiality

que quaestionis argumentis et coniectura ponderanda. Atque haec accusationis fere membra sunt.

119 XXXV. Defensionis autem primum infirmatio causarum: aut non fuisse, aut non tantas, aut non sibi soli, aut commodius potuisse idem consequi, aut non eis se esse moribus, non ea vita, aut nullos animi motus aut non tam impotentes fuisse. Facultatum autem infirmatione utetur si aut vires aut animum aut copias aut opes abfuisse demonstrabit, aut alienum tempus aut locum non idoneum, aut multos arbitros quorum crederet nemini: aut non se tam ineptum ut id susciperet quod occultare non posset, neque tam amentem ut poenas ac iudicia contem-

120 neret. Consequentia autem diluet exponendo non esse illa certa indicia facti quae etiam nullo admisso consequi possent, consistetque in singulis, et ea aut eorum quae ipse facta esse dicit propria esse defendet potius quam criminis, aut si sibi cum accusatore communia essent, pro periculo potius quam contra salutem valere debere; testiumque et quaestionum genus universum et quod poterit in singulis ex reprehensionis locis de quibus ante dictum est

of the inquiry, and weigh the statements made under torture by means of arguments and inference. These then more or less are the constituent parts of a case for the prosecution.

119 XXXV. In the case for the defence the first point is the demolition of the argument from motives, showing that there were none, or not strong enough ones, or not merely selfish ones, or that the same object could have been secured in an easier way, or that the charge is not consistent with one's character or one's record, or that there were no motives or no sufficiently overpowering motives for the act. The defendant will take the line of proving his inability to commit the deed by showing that he lacked the requisite strength or courage or means or money, or that the time was inopportune or the place unsuitable, or that there were a number of people present, on none of whom he could rely for secrecy, or that he is not so simple as to embark on a course of conduct that he could not possibly keep secret nor so insane as to make light

Lines of defence.

120 of penalties and courts of law. Proof by inference he will dispose of by arguing that no certain evidence of a crime is afforded by later occurrences that might equally well happen even when no crime had been committed, and he will dwell on particular details, and urge either that they belong to the actions which he himself declares that he has committed rather than to the crime with which he is charged, or that they attach to himself and to the prosecutor equally and so ought to count in his defence rather than against his acquittal; and he will draw upon the topics of refutation previously discussed to disparage both in general and as far as he is able in detail evidence given by witnesses and under torture. § 44

121 refellet. Harum causarum principia suspiciosa ad acerbitatem ab accusatore ponentur, denuntiabiturque insidiarum commune periculum, excitabunturque animi ut attendant. Ab reo autem querela conflati criminis collectarumque suspicionum et accusatoris insidiae et item commune periculum proferetur, animique ad misericordiam allicientur et modice benevolentia iudicum colligetur. Narratio autem accusatoris erit quasi membratim gesti negotii suspiciosa explicatio, sparsis omnibus argumentis, obscuratis defensionibus; defensori aut praeteritis aut obscuratis suspicionum argumentis rerum
122 ipsarum eventus erunt casusque narrandi. In confirmandis autem nostris argumentationibus infirmandisque contrariis saepe erunt accusatori motus animorum incitandi, reo mitigandi. Atque haec quidem utrique maxime in peroratione facienda—alteri frequentatione argumentorum et coacervatione universa, alteri, si plane causam redarguendo explicarit, enumeratione ut quidque diluerit et miseratione ad extremum.

123 XXXVI. C. F. Scire mihi iam videor quemadmodum coniectura tractanda sit. Nunc de definitione audiamus.

C. P. Communia dantur in isto genere accusatori defensorique praecepta. Uter enim definiendo

121 The suspicious sources of these motives will be set forward by the prosecutor to arouse bad feeling, and he will cry out against the general danger of conspiracy, and will stir up the jury to give it their attention. The defendant for his part will put forward a protest against a trumped-up charge and a parade of suspicions and against the prosecutor's plotting, and also will bring forward the danger to the community, and will try to arouse feelings of compassion and up to a point to attract the goodwill of the court. As to the narrative passage the prosecutor will make it a suspicious exposition of the business as transacted stage by stage, spreading out all his proofs and minimizing the lines of defence; whereas the defendant will have to pass over or else minimize the arguments for suspicion, and recount the issues
122 and incidents of the actual facts. In corroborating one's own lines of argument and discounting those of one's opponents, in the case of the prosecutor it will often be necessary to arouse emotion and in the case of the defendant to allay it. This indeed is specially the line to be taken by both parties in their concluding passage—the one by recapitulating his arguments and bringing them to a general focus, and the other, supposing he has fully dealt with the case by his line of defence, by a repetition of his successive refutations, closing with an appeal for compassion.

123 XXXVI. C. Jun. I now feel that I undrsteand the proper way of handling conjectural inference. Now let us hear about definition.

C. Sen. The rules laid down in that department serve in common for the prosecutor and for the defendant. Victory is bound to go to the one who in Definition.

describendoque verbo magis ad sensum iudicis
opinionemque penetrarit, et uter ad communem
verbi vim et ad eam praeceptionem quam incohatam
habebunt in animis ei qui audient magis et propius
124 accesserit, is vincat necesse est. Non enim argumen-
tando hoc genus tractatur sed tamquam explicando
excutiendoque verbo, ut si in reo pecunia absoluto
rursusque revocato praevaricationem accusator esse
definiat omnem iudicii corruptelam ab reo, defensor
autem non omnem sed tantummodo accusatoris
corruptelam ab reo: sit ergo haec contentio prima
verborum, in qua, etiamsi propius accedat ad con-
suetudinem mentemque sermonis defensoris definitio,
125 tamen accusator sententia legis nititur; negat enim
probari oportere eos qui leges scripserint ratum
habere iudicium si totum corruptum sit, si unus
accusator corruptus sit non[1] rescindere: nititur
aequitate, ut utilitate[2] scribenda lex sit, quaeque
tum[2] complecteretur in iudiciis corruptis ea verbo
126 uno praevaricationis comprehendisse dicitur. Defen-
sor autem testabitur consuetudinem sermonis, ver-
bique vim ex contrario reperiet, quasi ex vero
accusatore, cui contrarium est nomen praevari-

[1] *v.l. om.* non.
[2] utilitate . . . tum *lectio incertissima.*

[a] A variant reading omits 'not.'

his definition and analysis of a term has entered more
deeply into the mind and the ideas of the judge, and
who has arrived more completely and closely at the
common meaning of the term and at the same
tentative conception of it as that which his hearers
124 will have forming in their minds. For this kind of
consideration does not proceed by developing an
argument but by eliciting and explaining the meaning
of a term, as for instance if it is the case of a defendant
who has secured acquittal by means of bribery and
then has again been called up for trial the prosecutor
defines 'corrupt acquittal' as meaning any corrup-
tion of the court by the accused party, but the
defendant makes out that it does not apply to
all corruption but only to the corruption of the
prosecutor by the accused party; consequently this
would be primarily a verbal dispute, in which
even if the defendant's definition comes nearer
to the customary usage and meaning of the term,
nevertheless the prosecutor relies on the intention
125 of the statute; for he denies the necessity of
proving that legislation which invalidates the verdict
in a case in which the whole court has been bribed
does not[a] rescind the verdict if a single person,
the prosecutor, has taken a bribe: he relies on
equity, arguing that the law should be drafted on the
lines of the general advantage, and he maintains that
actions which in that case would be covered by the term
'corruption of the courts' it has included under the
126 one expression 'corrupt acquittal.' The defendant on
the other hand will appeal to the customary usage of
language and will draw the meaning of the word from
its contrary, that is, 'true prosecutor,' the contrary of
which is the term 'corrupter of the court'; and from

catoris ; ex consequentibus, quod ea littera de accusatore solet dari iudici[1] ; ex nomine ipso, quod significat eum qui in contrariis causis quasi vare[2] esse positus videatur. Sed huic tamen ipsi confugiendum est ad aequitatis locos, ad rerum iudicatarum auctoritatem, ad finem aliquem periculi ; communeque sit hoc praeceptum, ut cum uterque definierit quam maxime potuerit ad communem sensum vimque verbi, tum similibus exemplisque eorum qui ita locuti sunt suam definitionem sententiamque con-
127 firmet. Atque accusatori in hoc genere causarum locus ille communis, minime esse concedendum ut is qui de re confiteatur verbi se interpretatione defendat ; defensor autem et ea quam proposui aequitate nitatur et ea cum secum faciat non re sed depravatione verbi se urgeri queratur. Quo in genere percensere poterit plerosque inveniendi locos ; nam et similibus utetur et contrariis et consequentibus quamquam uterque, tamen reus, nisi plane
128 erit absurda causa, frequentius. Amplificandi autem causa, quae aut cum degredientur a causa dici volent[3] aut cum perorabunt, haec vel ad odium vel ad misericordiam vel omnino ad animos iudicum movendos ex eis quae sunt ante posita sumentur, si modo rerum magnitudo hominumve aut invidia aut dignitas postulabit.

[1] solet dici ? *Rackham.*
[2] *v.l.* varie.
[3] *v.l.* solent.

[a] Perhaps the text should be emended, giving 'because the term is customarily used about the prosecutor.'

what follows, because the term concerning the prosecutor is customarily applied to the judge[a] ; and from the word itself, which means a person who appears to be placed all askew in contrary cases. But nevertheless even the defendant himself has to have recourse to points of equity, to the authority of previous judgements, and to the desirability of bringing the issue to some conclusion ; and a rule common to both parties should be that after each has done his best to produce a definition in conformity with the usual sense and signification of the term, he should then support his definition and interpretation by means of parallels and instances of persons who have used the term in
127 that way. Also the prosecutor in this class of cases must employ the common topic that it is quite unpermissible for the person who admits the fact to defend himself by interpreting the meaning of a word ; whereas the defendant must rely on the plea of equity that I have put forward, and must complain that though equity is on his side he is being met not with fact but with the perversion of a word. Under this head he will be able to run through most of the topics of investigation ; for parallels and contraries and consequences, though employed by both sides, will be more frequently employed by the defendant,
128 if his case is not to fall absolutely flat. The means available for amplification, which they will desire to employ either when making a digression from the case in hand or in the peroration, will be selected from those that were set out previously, for the purpose of exciting either hatred or pity or any other emotion in the minds of the judges, provided that the importance of the facts or either the unpopularity or the eminence of the persons so demands.

129 XXXVII. C. F. Habeo ista; nunc ea quae cum quale sit quippiam disceptatur quaeri ex utraque parte deceat velim audire.

C. P. Confitentur in isto genere qui arguuntur se id fecisse ipsum in quo reprehenduntur, sed quoniam iure se fecisse dicunt, iuris est omnis ratio nobis explicanda. Quod dividitur in duas partes primas, naturam atque legem, et utriusque generis vis in divinum et humanum ius est distributa, quorum
130 aequitatis est unum, alterum religionis. Aequitatis
autem vis est duplex, cuius altera directa et veri et iusti et ut dicitur aequi et boni ratione defenditur, altera ad vicissitudinem referendae gratiae pertinet, quod in beneficio gratia, in iniuria ultio nominatur. Atque haec communia sunt naturae atque legis, sed propria legis et ea quae scripta sunt et ea quae sine litteris aut gentium iure aut maiorum more retinentur. Scriptorum autem privatum aliud est, publicum aliud: publicum lex, senatusconsultum, foedus, privatum tabulae, pactum conventum, stipulatio. Quae autem scripta non sunt, ea aut consuetudine aut conventis hominum et quasi consensu obtinentur, atque etiam hoc in primis, ut nostros mores legesque tueamur quodammodo naturali iure praescriptum
131 est. Et quoniam breviter aperti fontes sunt quasi
quidam aequitatis, meditata nobis ad hoc causarum

129 XXXVII. C. Jun. I take your meaning; and now I should like you to tell me what are the appropriate questions to be raised on each side when the discussion turns on the exact nature of something.

C. Sen. That is the sort of case in which the parties Right and wrong.
accused admit the commission of the actual action on account of which they are censured, but assert that they were acting rightly, so that we have to expound the entire theory of right. It divides into two primary sections, nature and law, and the force of each class is separated into divine right and human right, one being the field of equity and the other of
130 religion. Equity again has a twofold meaning, one
of which rests on the straightforward principle of truth and justice, of the 'fair and good,' as the phrase is, while the other concerns the interchange of repayment, which in the case of a kindness is called gratitude and in the case of an injury retaliation. These things belong in common to nature and to law; but peculiar to law are written rules of conduct and also the unwritten rules preserved by the law of nations or by ancestral custom. Of the written code part is private and part public; the public code consists in laws, resolutions of the senate and treaties, while the private code includes deeds, formal covenants and contracts. The unwritten rules are maintained either by custom or by the conventions and virtual consensus of mankind, and, this also a point of primary importance, it is in a manner prescribed by natural principle that we shall preserve our own customs and laws.
131 And now that we have briefly disclosed as it were the
fountain heads from which equity flows, it will be necessary for us in regard to this class of cases to have

genus esse debebunt ea quae dicenda erunt in orationibus de natura, de legibus, de more maiorum, de propulsanda iniuria, de ulciscenda, de omni parte iuris. Si imprudenter aut necessitate aut casu quippiam fecerit quod non concederetur eis qui sua sponte et voluntate fecissent, ad eius facti deprecationem ignoscendi petenda venia est quae sumetur ex plerisque locis aequitatis.

Expositum est ut potui brevissime de omni controversiarum genere—nisi praeterea tu quid requiris.

132 XXXVIII. C. F. Illud equidem quod iam unum restare video, quale sit cum disceptatio versatur in scriptis.

C. P. Recte intellegis; eo enim exposito munus promissi omne confecero. Sunt igitur ambigui duobus adversariis praecepta communia. Uterque enim hanc significationem qua utetur ipse dignam scriptoris prudentia esse defendet: uterque id quod adversarius ex ambigue scripto intellegendum esse dicet aut absurdum aut inutile aut iniquum aut turpe esse defendet aut etiam discrepare cum ceteris scriptis vel aliorum vel maxime si poterit eiusdem; quamque defendet ipse eam rem et sententiam quemvis prudentem et iustum hominem si

considered what it is proper to say in speeches on the subject of nature, law, ancestral custom, defence against wrong and retribution for it, and every department of right. If a man has carelessly or under compulsion or by accident committed an action that in the case of persons acting deliberately and voluntarily would not be permissible, for the purpose of pleading forgiveness for the action pardon must be sued for by a form of petition that will be taken from a number of topics of equity.

That concludes my exposition, made in the briefest form within my power, of the whole subject of controversies—unless you yourself have some further question to ask.

132 XXXVIII. C. Jun. Well, I have one question, the only point to my view that now remains—what is the nature of the case when the dispute turns on something in a written document?

Handling of disputed documents.

C. Sen. You see the position quite correctly; when I have explained the point you raise, I shall have completed the whole liability of my undertaking. Well then, the rules as to a disputed meaning are common to the two opponents. Each will maintain that the interpretation on which he himself will base his case is worthy of the intelligence of the writer; and each will maintain that the meaning that his opponents will say is to be derived from an ambiguous phrase in the document is either absurd or useless or unfair or disgraceful, or else that it is inconsistent with the rest of the writings either of other persons or most preferably, if it be possible to say so, of the same person; and that the point of view that he will himself maintain would be what, if it were given as an open question, any wise and just

ad[1] integrum daretur scripturum fuisse, sed planius;
133 eamque sententiam quam significari posse dicet nihil habere aut captionis aut vitii, contrariam autem si probarint,[2] fore ut multa vitia, stulta, iniqua, contraria consequantur. Cum autem aliud scriptor sensisse videtur et aliud scripsisse, qui scripto nitetur, eum re exposita recitatione uti oportebit, deinde instare adversario, iterare, renovare, interrogare num aut scriptum neget aut contra factum infitietur; post
134 iudicem ad vim scripti vocet. Hac confirmatione usus amplificet rem lege laudanda audaciamque confutet eius qui, cum palam contra fecerit idque fateatur, adsit tamen factumque defendat. Deinde infirmet defensionem: cum adversarius aliud voluisse, [aliud sensisse][3] scriptorem, aliud scripsisse dicat, non esse ferendum a quoquam potius latoris sensum quam a lege explicari: cur ita scripserit si ita non senserit? cur, cum ea quae plane scripta sint neglexerit, quae nusquam scripta sint proferat? cur prudentissimos in scribendo viros summae stultitiae putet esse damnandos? quid impedierit scriptorem quo minus exciperet illud quod adversarius tamquam si exceptum esset ita dicit se

[1] ad *add. Rackham.*
[2] *Rackham:* probarit.
[3] aliud sensisse *vel* aliud voluisse *secl. edd.*

person would have written, but in a more downright
133 form; and that the meaning which he will declare possible to be intended contains no trace of trickery or fault, whereas if they approve the opposite interpretation, a great many faulty and foolish and unfair and contrary implications will result in consequence. When however the writer appears to have meant one thing and written another, an advocate relying on the written document after setting out the case will have to read the document to the court, and then to turn upon his opponent and reiterate and repeat his points and ask him whether he denies the document or alternatively maintains that it was not contravened by the action taken; and afterwards he must call the judge to consider the
134 force of the document. And when he has employed this method of confirmation, he must amplify his case by speaking in praise of the law, and must denounce the effrontery of a person who, after openly breaking it and while admitting he has done so, nevertheless appears in court and defends his conduct. Then he must undermine the case for the defence, by saying that, whereas his opponent maintains that the writer meant one thing and wrote another, it is intolerable that the meaning of the legislator should be explained by anybody rather than by the law: why did he write like that if that was not his meaning? why, when his opponent has neglected clearly written statements does he bring forward statements not to be found in writing anywhere? why does he imagine that the wisest masters of drafting are to be held guilty of supreme stupidity? what prevented the writer from inserting the exception which his opponent professes to have followed as though it

135 secutum? Utetur exemplis eis quibus idem scriptor aut, si id non poterit, quibus alii quod excipiendum putarint exceperint. Quaerenda etiam ratio est, si qua poterit inveniri, quare non sit exceptum; aut iniqua lex aut inutilis futura dicetur, aut alia causa obtemperandi, alia abrogandi: dissentire adversarii vocem atque legis. Deinde amplificandi causa de conservandis legibus, de periculo rerum publicarum atque privatarum cum aliis locis, tum in perorando maxime graviter erit vehementerque dicendum.

136 XXXIX. Ille autem qui se sententia legis voluntateque defendet, in consilio atque in mente scriptoris, non in verbis ac litteris vim legis positam esse defendet, quodque nihil exceperit in lege laudabit, ne diverticula peccatis darentur atque ut ex facto cuiusque iudex legis mentem interpretaretur. Deinde erit utendum exemplis in quibus omnis aequitas perturbetur si verbis legum ac non sententiis pareatur.

137 Deinde genus eiusmodi calliditatis et calumniae retrahatur in odium iudicis cum quadam invidiosa querela. Et si incidet imprudentiae causa quae non ad delictum sed ad casum necessitatemve pertineat, quod genus paullo ante attigimus, erit eisdem aequi-

135 were actually there? He will adduce instances in which the same writer, or, if that is not possible, in which other persons have made an exception that they thought to be necessary. He will also try to discover a reason, if any such can be found, to account for the exception's not having been made: he will declare that the law is unjust, or else certain to be ineffective, or that if there is one motive for obeying it there is another for repealing it; and that the statement of his opponent does not agree with that of the law. Then, for the purpose of amplification, both in other parts of the speech and particularly in the peroration he will enlarge in weighty and vigorous language on the duty of maintaining the laws and on the danger threatening both public and private affairs.

136 XXXIX. On the other hand one who bases his defence on the meaning and intention of the law will maintain that the force of the law resides in the purpose and intention of the person who drafted it and not in its words and letters, and will praise him for not having inserted any exceptions in the law, so as not to give hiding-places for offences and so that the judge should interpret the meaning of the law in the light of the action of the particular individual. Then he must introduce examples of cases where all equity will be thrown into confusion if the words of
137 the law are followed and not the meaning. Then he must arouse the hatred of the judge against cunning and chicanery of such a kind, with a note of resentful complaint in his voice. And if the facts admit the plea of lack of consideration in respect of not the offence but accident or necessity, a class of topic that we have touched on a little before, the same maxims of equity

Law and equity.

tatis sententiis contra acerbitatem verborum deprecandum. Sin scripta inter se dissentient, tanta series artis est et sic inter se sunt pleraque connexa et apta, ut quae paullo ante praecepta dedimus ambigui quaeque proxime sententiae et scripti, eadem ad
138 hoc genus causae tertium transferantur. Nam quibus locis in ambiguo defendimus eam significationem quae nos adiuvat, eisdem in contrariis legibus nostra lex defendenda est. Deinde est efficiendum ut alterius scripti sententiam, alterius verba defendamus. Ita quae modo de scripto sententiaque praecepta sunt, eadem huc omnia transferemus.

139 XL. Expositae sunt tibi omnes oratoriae partitiones, quae quidem e media illa nostra Academia effloruerunt; neque sine ea aut inveniri aut intellegi aut tractari possunt; nam et partiri ipsum et definire et ambigui partitiones dividere et argumentorum locos nosse et argumentationem ipsam concludere, et videre quae sumenda in argumentando sint quidque ex eis quae sumpta sunt efficiatur, et vera a falsis, verisimilia ab incredibilibus diiudicare et distinguere aut male sumpta aut male conclusa reprehendere, et eadem vel anguste disserere, ut dialectici qui appellantur, vel, ut oratorem decet.

will have to be employed as a plea to counter the harshness of the actual words. Or if there is a discrepancy between the documents, such is the interconnexion of science and so closely are most things interrelated that the rules we gave a little before in
regard to double meaning and those given just now § 134
as to sense and style can be transferred without
138 modification to this third class of case. For the same topics by means of which in a case of ambiguity we maintain the interpretation that helps ourselves, must also be employed in a case of inconsistency between different laws to maintain the law that is on our side. Then we must contrive to maintain the meaning of one document but the actual words of the other. In this manner we shall transfer here all the rules that
we laid down just now in regard to written matter and § 132
to meaning.

Conclusion: the orator should study logic and moral science.

139 XL. You now have had set before you all the departments of oratory, that is those which have sprung from our famous school, the Middle Academy. Nor can they be discovered or understood or employed without the aid of that school; for the actual process of division, and those of defining and distinguishing the two different meanings of an ambiguous statement, and knowing topics of arguments and bringing the actual process of argument to a conclusion, and discerning what things are to be assumed in a line of argument and what consequence follows from these assumptions, and distinguishing and differentiating true from false and probable from untrustworthy statements or censuring bad assumptions or bad conclusions, and treating the same topics either with close analysis, as do those who are termed dialecticians, or with broad exposition, as befits an orator, all come

late exprimere illius exercitationis et subtiliter dispu-
140 tandi et copiose dicendi artis[1] est. De bonis vero rebus et malis, aequis, iniquis, utilibus, inutilibus, honestis, turpibus quam potest habere orator sine illis maximarum rerum artibus facultatem aut copiam? Quare haec tibi sint, mi Cicero, quae exposui, quasi indicia fontium illorum: ad quos si nobis[2] eisdem ducibus aliisve perveneris, tum et haec ipsa melius et multo maiora alia cognosces.

C. F. Ego vero, ac magno quidem studio, mi pater; multisque ex tuis praeclarissimis muneribus nullum maius exspecto.

[1] [artis] *Ernesti.*
[2] [nobis] ? *Rackham.*

under the exercises mentioned and are part of the science of subtle disputation and copious oratory.
140 Moreover what readiness of style or supply of matter can a speaker possess on the subject of good and bad, right and wrong, utility and inutility, virtue and vice, without knowing these sciences of primary importance? Consequently the points I have expounded must serve you, my dear Cicero, as signposts indicating the way to those great fountains of wisdom; at which if with our guidance continued or with that of others you succeed in arriving, you will thereupon achieve a better knowledge both of these and of other much more important matters.

C. Jun. I shall indeed, father, and with great eagerness; and among the many signal services that you confer upon me I look forward to none more important.

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